

THE MADRAS LEGISLATIVE ASSEMBLY.

Monday, 17th May 1954.

The House met in the Assembly Chamber, Government Estate, Mount Road, at eight of the clock, Mr. Speaker, (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

MR. SPEAKER :—“ We will take up questions Nos. 968 and 969 together, because they relate to the same subject.”

Short notice questions.

STARRED QUESTIONS.

Escort for the French Indian Police.

* 968 Q.—SRI S. RAMALINGAM (on behalf of Sri P. K. Gopalakrishnan) : Will the Hon. the Minister for Finance be pleased to state—

(a) whether our State Police escorted the French Police from ‘ Naluthara ’ and other French enclaves near Mahe to Mahe with all their arms and ammunitions; and

(b) if so, the reasons for such escort?

THE HON. SRI C. SUBRAMANIAM :—“ (a) & (b) It is not correct to say that our State Police escorted the French Police from ‘ Naluthara ’ and other French enclaves near Mahe to Mahe. At the instance of Government of India to whom a request had been made by the French authorities, the French policemen were permitted to cross Indian Union territory during their withdrawal from the enclave to Mahe. Police bandobust was however provided by our policemen during the passage of the French Police through Indian Union Territory in order to guard against any possible breach of law and order.”

* 969 Q.—SRI M. NARAYANA KURUP : Will the Hon. the Minister for Finance be pleased to state whether this Government had, on a request from French India Government a few days back, agreed to give escort for the safe transit of the French Indian policemen with their arms and ammunition from the enclaves of Mahe through Indian territory?

THE HON. SRI C. SUBRAMANIAM :—“ No request was made by the French Indian Government to this Government for an escort for the safe transit of the French Indian policemen with their arms and ammunition from the enclaves of Mahe through Indian territory. The attention of the Member is invited to the answer given to Short Notice Starred question No. 968 given notice of by Sri P. K. Gopalakrishnan, M.L.A.”

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SRI M. KALYANASUNDRAM :—“கனம் சபாநாயகர் அவர்களே, இந்த போலீஸ் படையானது ஆயுதங்கள் எடுத்துக்கொண்டு செல்ல அனுமதிக்கப்பட்டதா? இதே போலீஸ்படை இந்தியப் பிரஜைகள் இருவரை சுட்டதுண்டா?”

THE HON. SRI C. SUBRAMANIAM :—“Sir, I have no information whether it was these particular policemen who participated in the firing incident. I have no information with regard to the arms carried by them.”

SRI S. RAMALINGAM :—“இந்த போலீஸ்காரர்கள் மாவிக்கு போவதற்கு முன்பாக, அந்தப் பகுதியில் துப்பாக்கிப் பிரயோகம் நடந்திருக்கிறது. அதிலே இந்தியப் பிரஜைகள் இருவர் இறந்திருக்கிறார்கள் என்பதாவது சர்க்காருக்குத் தெரியுமா?”

THE HON. SRI C. SUBRAMANIAM :—“Sir, that incident was already referred to on the floor of this Assembly with reference to another question. There is no question of their being escorted, as I have already stated.”

SRI M. KALYANASUNDRAM :—“Sir, அவர்களைப் பாதுகாக்க நம்முடைய போலீசை அனுப்பவில்லை என்பதை நான் ஒப்புக்கொள்ளுகிறேன். ஆனால் ஆயுதம்தாங்கிய போலீசை நம் மண் மீது நடந்து செல்வதற்கு அனுமதித்ததன் காரணமென்ன?”

THE HON. SRI C. SUBRAMANIAM :—“Sir, for obvious reasons, they want to retire from territory belonging to them and wanted to retire to Mahe proper. So, we permitted them. There was nothing wrong in that.”

SRI M. NARAYANA KURUP :—“Sir, the Hon. Minister referred to his answer given also on a previous occasion. Whenever this question comes, Government say that adequate security measures have been taken by our Government. But when the testing time comes, it is found wanting as it was proved when the French Police after shooting, escaped through Indian territory with their arms, unchallenged by our Police. Did the Government investigate how their security measures proved ineffective in that case?”

THE HON. SRI C. SUBRAMANIAM :—“Sir, in spite of best efforts, I do admit that these measures fail sometimes at very critical moments. But the suggestion of the hon. Member that the policemen who participated in the firing had already escaped into the French territory conflicts with the suggestion made by the other hon. Members that the very policemen were permitted to pass through Indian territory and go to Mahe.”

SRI S. DEIVASIGAMANY :—“Is there not a mutual agreement or treaty between the Indian Union and Pondicherry French Government with regard to the passage of military personnel and other aids?”

THE HON. SRI C. SUBRAMANIAM :—“No French policeman can cross our territory without permission.”

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SRI V. BALAKRISHNAN :—“ Were these French police allowed to carry loaded arms during transit? ”

THE HON. SRI C. SUBRAMANIAM :—“ I have already answered, Sir, that I have no information with regard to the arms carried by them.”

SRI M. NARAYANA KURUP :—“ The information or suggestions given by one member may be different from that given by another member because they have not got that machinery to ascertain true facts. Because this matter was before this House so many times, will the Government tell us whether they have real information as to what happened with respect to the police who shot down the French subjects in ‘ Naluthara ’? ”

THE HON. SRI C. SUBRAMANIAM :—“ I am sorry, I do not have the entire information as regards who actually the policemen were, who participated in this firing.”

Malampuzha Irrigation Project.

* 970 Q.—SRI K. P. GOPALAN : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Chief Engineer (P.W.D) has ordered that the Dam work of the Malampuzha Irrigation Project need not be completed this year; and

(b) if so, the reasons therefor?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ (a) & (b) No. But work in the spillway block No. 14 in the main dam arm has been stopped at a level of 350.50 for the duration of the south-west monsoon floods, so as not to subject the earth dam to full water pressure immediately after its formation. This work will be resumed after the south-west monsoon and will be completed within the year.”

SRI K. C. GOPALAN UNNI :—“ Sir, is it not a fact that the land which would have been submerged when the dam was complete was not leased out and only after the recent suspension of its work, this land was given for cultivation? ”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ It must be so because the land would have been submerged if this had been completed. Naturally when it is decided to be deferred, the land could be leased out.”

Alleged lathi charge by police on workers of Tajmahal Beedi Factory, Washermanpet.

* 971 Q.—SRI P. JEEVANANDAM : Will the Hon. the Minister for Finance be pleased to state whether there was any lathi charge by police on 8th May 1954 on workers and gosha women of Tajmahal Beedi Factory at Washermanpet?

THE HON. SRI C. SUBRAMANIAM :—“ No, Sir.

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“There was no necessity for using force of any sort at all, as the workers who were squatting in the premises of the factory dispersed peacefully on persuasion by the Police.”

SRI P. JEEVANANDAM :—“ ஏற்கனவே இந்த சபையில் கூறியபடி, இந்த சம்பவம் நடந்த அன்று ஏ.சி., சர்க்கிள் இன்ஸ்பெக்டர், சப்-இன்ஸ்பெக்டர், இரண்டு லாரி போலீஸ் அங்கு சென்று பலவந்தமாக தொழிலாளர்களைத் தாக்கியிருக்கிறார்கள். அப்படிப்பட்ட சம்பவம் நடக்கவே யில்லை என்று கனம் அமைச்சர் அவர்கள் கூறுகிறார். ஒருவராகலமாக விசாரித்து, கடைசியாக இவ்வாறாக பதில் கூறுகிறார் கனம் அமைச்சர். ஏ.சி., இன்ஸ்பெக்டர் முதலியோர் அங்கு சென்று அமைதியாக இருந்த உசன்டீ, சாதுன்டீ என்ற இரண்டு முஸ்லீம் பெண்களையும், இன்னும் பல தொழிலாளிகளையும் அடித்துக் காயப்படுத்தியிருக்கிறார்களா என்று நான் கேட்க விரும்புகிறேன்.”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, no doubt I have taken some time to get the answers for this question because I wanted to get full information with regard to that. I am satisfied, Sir, that there was no force used at that time even though allegations were made that force was used later on in a public meeting which the hon. Member himself addressed.”

SRI P. JEEVANANDAM :—“ நான் இப்போது குறிப்பிட்டது பொதுக் கூட்டத்தில் உபயோகித்த போர்ஸ்/Force அல்ல. குறிப்பிட்ட வாரத்தில் குலாம்காதர் பீடித்தொழிற்சாலையில் அமைதியாக இருந்த ஆண்களையும். பெண்களையும் குறிப்பாக முஸ்லீம் பெண்களை பலவந்தப்படுத்தி பிரம்பால் அடித்ததுண்டா? வாசலில் இருந்தவர்களை வெளியில் இழுத்துப்போட்டு அடித்ததுண்டா? அப்படிப்பட்ட தகவல் எதேனும் கனம் அமைச்சர் அவர்களுக்கு கிடைத்ததுண்டா என்று கேட்கிறேன்.”

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a.m.

THE HON. SRI C. SUBRAMANIAM :—“ I was answering only with reference to the incident that took place inside the factory. That is why I said I am satisfied that no force was used in this connexion.”

SRI M. KALYANASUNDRAM :—“ கனம் சபாநாயகர் அவர்களே, மந்திரி அவர்கள் சொல்வதில் இரண்டு விஷயங்கள் உண்மை. தடியடி பிரயோகம் செய்யவேண்டிய அவசியமான சூழ்நிலை ஏற்படவில்லை என்று, மக்கள் அமைதியாக இருந்தார்கள் என்றும் சொல்வது உண்மை. அப்படியிருந்தும் போலீஸ் தடியடி பிரயோகம் செய்தது உண்மையான விஷயம். ஆகவே இந்த விஷயத்தை நேரடியாக விசாரித்து, அந்த போலீஸ்காரர்களை தண்டிக்க தயாராக இருக்கிறார்களா என்று அறிய விரும்புகிறேன்.”

THE HON. SRI C. SUBRAMANIAM :—“ No, Sir. Other officers have enquired into it.”

SRI S. DEIVASIGAMANY :—“ In view of the conflicting reports, i.e., the report of the police and that of Mr. Jeevanandam, will the Government institute an enquiry into this matter, as such allegations are becoming frequent nowadays, so that the Government may be in a position to take adequate action at least in future? ”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, I think I have made all the necessary enquiries in the matter and no further enquiry is necessary.”

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SRI S. RAMALINGAM :—“ கனம் ஜீவானந்தம் அவர்கள் இந்த சபையில் சில குறிப்பிட்ட நபர்களின் பெயர்களைச் சொல்லி, அவர்களை அடித்திருப்பதாகக் குறிப்பிட்டார்கள். ஆகவே அந்த குறிப்பிட்ட நபர்களையும், அங்குள்ள போலீசையும் கூப்பிட்டு ஒரு பொது விசாரணை நடத்த சர்க்கார் உத்திரவு போடுவார்களா ? ”

THE HON. SRI C. SUBRAMANIAM :—“ Unfortunately, the hon. Member was not himself an eye witness, and he also speaks on hearsay evidence. We have also made enquiries and responsible officers have made enquiries with reference to this matter. That is why I said that I am more than satisfied that there was no force used in this connection.”

SRI M. KALYANASUNDRAM :—“ Sir, அடிப்பட்ட இடத்தில் நான் நேரில் இல்லாவிட்டாலும், அடிப்பட்ட தொழிலாளர்களை அதே சாயந்திரம் நேரிலே பார்த்தேன். ஆகவே, கனம் மந்திரி அவர்கள் ஒரு மாஜிஸ்ட்ரேட் மூலமாகவாவது பொதுவிசாரணை நடத்துவதற்கு தயாராக இருக்கிறார்களா என்பதை அறிய விரும்புகிறேன்.”

THE HON. SRI C. SUBRAMANIAM :—“ I have already stated that an enquiry has been made into this matter. Anyhow, the suggestion of the hon. Member will be considered.”

SRI A. RATNAM :—“ சனம் சபாநாயகர் அவர்களே, இந்த பீடித் தொழிற்சாலைக்கு அருகிலேயே நான் குடியிருப்பவன். அடிப்பட்டவர்களை நான் நேரில் கண்டிருக்கிறேன். கூட்டங்களிலுள்ள போலீசை நேரில் பார்த்தும், விசாரித்தும் இருக்கிறேன். தோழர் ஜீவானந்தம் கூறுவதில் உண்மை இருக்கிறது. எனவே அமைச்சர் அவர்கள் ஒரு விசாரணைக் கமிட்டி ஏற்படுத்தி, அதை விசாரணை செய்ய முன்வருவாரா என்று கேட்க ஆசைப்படுகிறேன்.”

THE HON. SRI C. SUBRAMANIAM :—“ I wish the hon. Member gives a statement with reference to what he actually saw, whether he saw any contused wounds or any such thing. Then I shall look into the matter.”

SRI P. VENKATESHA SHOLAGER :—“ பொதுமக்களை இப்படி பல இடங்களில் போலீஸ் அடித்து, தடியடிப் பிரயோகம் செய்திருக்கிறார்கள். தடியடிப்பிரயோகம் நடந்ததா என்று அந்த அதிகாரிகளையே சர்க்கார் விசாரிப்பதில் ஒன்றும் நடக்கவில்லை யென பதில்சொல்லி தப்பித்துக்கொள்ளுகிறார்கள். ஆகவே சம்பவம் நடந்தவுடனே சில கேஸ்களையாவது நல்ல முறையில் பொது விசாரணைக்கு விட மந்திரி அவர்கள் முயற்சி செய்வாரா தவறாக நடக்கும் அதிகாரிகள் தங்களை திருத்திக்கொள்ள ஏதுவாகும்.”

MR. SPEAKER :—“ நீங்கள் பொதுவாகப் பேசுகிறீர்கள். அப்படிப் பேசக்கூடாது. If, however, the Hon. Minister is prepared to answer, I have no objection.”

THE HON. SRI C. SUBRAMANIAM :—“ The hon. Member has put a general question which does not arise out of the main question.”

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Notice of Strike in the Palar Mills.

* 972 Q.—SRI M. KALYANASUNDRAM: Will the Hon. the Minister for Agriculture be pleased to state whether the Government have taken any steps to avert the strike of which notice has been given by the workers of the Palar Mills, on the management?

THE HON. SRI M. BHAKTAVATSALAM:—“The Labour Officer has instituted conciliation proceedings in respect of the dispute in the Palar Mills. A strike is illegal while the conciliation proceedings are still pending. So the Union has been advised to withdraw the notice of strike.”

SRI M. KALYANASUNDRAM:—“இந்த கன்சிலியேஷன் (Conciliation) எப்போது ஆரம்பிக்கப்பட்டது? அது சம்பந்தமாக ரிப்போர்ட் மந்திரி அவர்களுக்கு வந்துவிட்டதா?”

THE HON. SRI M. BHAKTAVATSALAM:—“Conciliation talks are reported to have started on 24th April 1954 and the Labour Officer's report is awaited.”

SRI M. KALYANASUNDRAM:—“Sir, நடவடிக்கை எடுக்கிற காலத்தில் தொழிலாளர்கள் வேலைநிறுத்தம் செய்யக்கூடாது என்பதை நான் ஒப்புக்கொள்ளுகிறேன். ஆனால் அதேமாதிரி முதலாளிகள் பழிவாங்கப்பட்டு நக்கப்பட்ட 7 தொழிலாளர்களையும் உடனே வேலைக்கு எடுத்துக்கொள்ளவேண்டும். அதற்கு மந்திரி அவர்கள் நடவடிக்கை எடுத்துக்கொண்டாரா?”

THE HON. SRI M. BHAKTAVATSALAM:—“If the management has taken any action during the conciliation proceedings, the Government will look into the matter.”

SRI M. KALYANASUNDRAM:—“Sir, கன்சிலியேஷன் புரோசீடியன்ஸ் நடந்து கொண்டிருக்கிற காலத்தில் மேலும் ஒரு தொழிலாளி பழிவாங்கப் பட்டிருக்கிறார். அவர் உண்ணாவிரதம் இருந்து வந்ததை மந்திரி அவர்கள் அறிவாரா?”

THE HON. SRI M. BHAKTAVATSALAM:—“Sir, it was before the conciliation proceedings started. On 5th April 1954 the Palar Mill Workers Labour Union sent a telegram to the Labour Officer stating that a worker P. A. Joseph was on hunger strike from 4th April 1954. The Labour Officer proceeded there and held an enquiry and then conciliation talks were started.”

Police firing at Naduvattam.

* 973 Q.—SRI K. M. SEETHI SAHIB: Will the Hon. the Minister for Finance be pleased to state what action the Government propose to take on the report of Mr. Sathianathan on the recent police firing at Naduvattam?

THE HON. SRI C. SUBRAMANIAM:—“The report is under examination by Government. Necessary action will be taken after examination of the report.”

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SRI K. M. SEETHI SAHIB :—“ Will the Hon. Minister be pleased to tell this House what the findings and recommendations of the enquiry officer are? ”

THE HON. SRI C. SUBRAMANIAM :—“ I have already said that the report is under examination. As soon as it is finalised, I shall inform the House, Sir.”

SRI KUNHI MOHAMED SHAFEE :—“ On a previous occasion, when this matter was considered by the House, that is, on the 29th March the Hon. the Minister for Finance said that he was awaiting a reply, I mean, a detailed report from the Collector of Malabar. May I know whether he has received that report and if so, what the contents of that report are and whether this enquiry officer has made any specific recommendations regarding the taking of adequate steps in the matter? ”

THE HON. SRI C. SUBRAMANIAM :—“ Subsequent to that, an enquiry has been made by a responsible officer and his report is under examination. As soon as the examination is over, whatever action is necessary will be taken. I shall also consider the necessity or advisability of placing a copy of that report on the table of the House.”

SRI K. P. GOPALAN :—“ Are the Government aware that when this enquiry was made, there was a report in the papers that those who wanted to give evidence before the enquiry officer must send beforehand to the Collector their written statement? May I know from the Hon. Minister whether this procedure was adopted only to prevent people from giving evidence before the enquiry officer? ”

THE HON. SRI C. SUBRAMANIAM :—“ I am not aware of the facts mentioned by the hon. Member. Anyhow, Government were interested in getting a complete picture of the entire incident. So there was no question of shirking or burking any evidence.”

SRI T. C. NARAYANAN NAMBIAR :—“ It was on 28th April that this incident took place. This matter was brought to the notice of the Government on the floor of the House and a resolution has also come. After a long delay, an enquiry officer was appointed and he is said to have completed his enquiry. In view of the importance of the matter, will the Hon. Minister be pleased to state why there should be such extraordinary delay in examining the report made by the enquiry officer and will the Hon. Minister expedite the examination of the matter? ”

THE HON. SRI C. SUBRAMANIAM :—“ There is no extraordinary delay in the examination of the report. Various departments have to scrutinise the report and make their own recommendations. That is the only reason for the delay.”

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Security measures in the area bordering Pondicherry.

* 844 Q.—SRI N. K. PALANISAMI: Will the Hon. the Minister for Finance be pleased to state—

(a) the steps taken by the Government to protect the lives and properties of the people of this State in the area bordering Pondicherry;

(b) whether Police are posted at the enclaves of Pondicherry; and

(c) if so, the names of the enclaves protected by the Indian Police?

THE HON. SRI C. SUBRAMANIAM :—“(a) to (c) I regret, for reasons of security, it is not possible to disclose the dispositions of our police forces around the French enclaves in the area bordering Pondicherry. I can however assure the hon. Member that adequate Police arrangements have been made to protect the lives and properties of the people of this State in the areas bordering Pondicherry and the French enclaves near it.”

SRI N. K. PALANISAMI :—“இவ்வளவு பெரிய பாதுகாப்பு கொடுக்கப் பட்டிருந்தும் பாக்கம் போல் இன்னும் மற்ற இடங்களிலுள்ள ஜனங்கள் தாக்கப்பட்டிருக்கிறார்கள். ஆதலால் நம் போலீசுக்கு சக்தியில்லை என்று தெரிகிறது. ஆதலால் பாண்டிச்சேரிப் பக்கத்திலுள்ள தென்னாற்காடு ஜில்லாவிலுள்ளவர்களுக்கும் லைசென்சு இல்லாமல் துப்பாக்கி வழங்க சர்க்கார் முயற்சி செய்வார்களா?”

THE HON. SRI C. SUBRAMANIAM :—“I don't think that will solve the problem. That may complicate problems, Sir.”

Clash in the areas bordering French Indian Settlements.

* 845 Q.—SRI M. KALYANASUNDRAM: Will the Hon. the Minister for Finance be pleased to state—

(a) whether there was any clash between some goondas in the French Indian Territory and the Armed Police of our State in the border areas of French Indian Settlements on 2nd May 1954; and

(b) what steps have been taken by the Government to prevent recurrence of such incidents?

THE HON. SRI C. SUBRAMANIAM :—“(a) There was no clash between the goondas in the French Indian territory and the Armed Police of our State in the border areas of French Indian Settlements on 2nd May 1954, but on 1st May 1954, when a Malabar Special Police lorry was returning from Kodukur to Pudukuppam near the French-Chettipet road, the Naick driver noticed a palmyra trunk laid across the road to obstruct his passage. When he was clearing the obstruction with the help of a Police constable who was with him, the villagers of French Chettipet numbering about 300

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began to throw stones on the lorry and the policemen. The vehicle received a number of dents and the Police constable who was with the driver, sustained an injury. After warning, the Police constable fired two rounds, and the crowd dispersed. Two persons are reported to have sustained gun shot wounds.

“(b) Adequate police personnel have been stationed in the area to prevent violation of Indian territory.”

Amount distributed out of the Cyclone Relief Fund in Nagapattinam taluk, Tanjore.

* 846 Q.—SRI S. RAMALINGAM (on behalf of Sri S. Vadi-
velu) : Will the Hon. the Minister for Revenue be pleased to state
the amount distributed in Nagapattinam taluk Tanjore district,
from the Cyclone Relief Fund? 8-20
a.m.

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ The amount distributed in Nagapattinam taluk, Tanjore district is Rs. 13,919.”

SRI A. RATNAM :—“ புயல் நிவாரணத்திற்காக ஒதுக்கப்பட்ட பணத்தில் நாகப்பட்டினம் முதலிய இடங்களுக்கு செலவழிக்கப்பட்ட பணம் எவ்வளவு? ஒவ்வொரு குடும்பத்திற்கும் எவ்வளவு பணம் ஒதுக்கப்பட்டிருக்கிறது என்று அறிய விரும்புகிறேன்.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I have no details. This question referred to the amount and so I have given that figure.”

Supply of Community Receiver sets in South Arcot district.

* 847 Q.—SRI A. RATNAM : Will the Hon. the Minister for Public Works be pleased to state—

(a) the number of Community Receiver sets supplied so far in South Arcot district;

(b) whether any representation has been made by the residents of Aziz Nagar, South Arcot district, for the supply of Community Receiver sets and the reasons for the delay in complying with their request; and

(c) the cost of a Community Receiver set?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ (a) Ninety-nine (99) battery operated sets and thirty-two (32) mains operated sets have been installed in the South Arcot district (as on 13th March 1954).

“(b) A proposal, for the installation of a battery operated radio set at the above centre was approved in the latter part of November 1953 by Government, on the recommendation of the Police Department. Such sanctions are implemented in their turn. I have received information that the set has started working from April 1954.

“(c) The tentative costs of a battery operated and a mains operated radio sets are fixed at Rs. 350 and Rs. 290, respectively, subject to adjustments after actual installation.”

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SRI A. RATNAM :—“தென் ஆற்காடு ஜில்லாவில் எந்தெந்த பகுதிகளில் ரேடியோக்கள் சர்க்காரால் அமைக்கப்பட்டன என்று அமைச்சர் அவர்கள் சொல்லுவாரா ?”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“A separate question may be put, Sir.”

SRI S. DEIVASIGAMANY :—“Sir, are these radio receiving sets locally assembled or are they foreign-made radio receiving sets?”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“Most of them are locally assembled, Sir.”

Appointment of social workers in the Government Hospitals in the City.

* 348 Q.—**SRI A. RATNAM :** Will the Hon. the Minister for Health be pleased to state—

(a) whether any social workers are appointed in the Government Hospitals in the City of Madras to guide the patients and to advise the hospital authorities regarding the needs of the patients, etc.;

(b) whether any guides other than social workers are appointed and if so, how many and what their terms of appointment are;

(c) how many honorary visitors among social workers were selected in the City of Madras; and

(d) whether the Government doctors are advised to co-operate with the social workers?

THE HON. SRI A. B. SHETTY :—“(a) Yes, Sir. In the Government General Hospital, the Stanley Hospital and the Government Hospital for Women and Children, Madras.

“(b) No, Sir.

“(c) Members belonging to the Red Cross Society, Guild of Service and Women's Welfare Association visit some of the hospitals as and when they find it convenient in the capacity of Honorary Social Workers.

“(d) Yes, Sir.”

SRI A. RATNAM :—“May I know from the Hon. Minister for Health whether these honorary visitors and social workers are visiting hospitals regularly and whether they are submitting any reports?”

THE HON. SRI A. B. SHETTY :—“Sir, social workers are permanently employed and they have to go to hospitals at regular hours. But in regard to the honorary social workers it is left to their own convenience.”

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SRI KUNHI MOHAMED SHAFEE:—"Sir, have the Government got any proposal to appoint such social workers at least in the Headquarters Hospital of the districts?"

THE HON. SRI A. B. SHETTY:—"There is no such proposal at present, Sir."

SRI S. RAMALINGAM:—"சென்னை ஆஸ்பத்திரியில் இருக்கிற Social workers என்ன வேலை செய்கிறார்கள்?"

May I know what work the social workers are turning out?"

THE HON. SRI A. B. SHETTY:—"In the three city hospitals mentioned, they are attached to the venereal section of the hospitals. They visit the houses of the patients, trace contacts, advise them to have treatment and ask them to avoid re-infection."

SRI K. PARTHASARATHY:—"Do these social workers receive any remuneration and are they full-time workers?"

THE HON. SRI A. B. SHETTY:—"Yes, they are allowed the scale of Rs. 85—150, the pay admissible for nurses. In addition, they are given house rent allowance, conveyance allowance, dhobi allowance, uniform allowance, etc."

DR. K. B. MENON:—"Will the Government consider the desirability of social workers attending the hospital during visiting hours a table being allotted to them in a prominent place, so that people may go to them and seek their advice?"

THE HON. SRI A. B. SHETTY:—"I suppose all necessary arrangements are now made."

Inclusion of M.L.As. in the District Harijan Welfare Committees.

* 849 Q.—SRI K. ARANGANATHAN (on behalf of Sri M. Kattimuthu): Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) why the Members of the Madras Legislative Assembly are not included in the District Harijan Welfare Committees;

(b) whether there are any district committees for the selection of Harijan students as boarders in the Harijan hostels of the respective districts, and if so, the strength of each committee; and

(c) whether the Manager of a Harijan hostel can admit students at his own discretion?

THE HON. SRI B. PARAMESWARAN:—" (a) The selection of members to the District Harijan Welfare Committees is made with reference to the interest taken by the candidates in the Harijan welfare work. It is not possible to select all Members of the Legislature as the number of non-official members of the committee is limited.

" (b) & (c) No."

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SRI S. RAMALINGAM :—“ ஹரிஜன முன்னேற்றத்தில் அக்கறை கொண்டவர்கள் என்பதைத் தெரிந்துகொள்வதற்கு சர்க்கார் என்ன முறையைக் கையாள்கிறார்கள் ? ”

THE HON. SRI B. PARAMESWARAN :—“ Sir, the Government have got not only their own machinery, but they know who are all taking interest in this work. They receive reports from Collectors. There are some prominent workers who are already known to the Government.”

Harassment of Harijans by Maravas at Etteri, Tirunelveli district.

* 850 Q.—**SRI A. RATNAM** : Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government received any representation from Etteri Adi-Dravida Seerthirutha Sangham regarding raids and harassment against the Harijans at Etteri, Tirunelveli district, at midnight on 6th August 1953 by Maravas; and

(b) if so, the action taken by the Government and the results?

THE HON. SRI C. SUBRAMANIAM :—“ (a) Yes, Sir.

“ (b) A case was registered under sections 457 and 380, I.P.C., but this was referred as ‘ undetectable ’.

Steps were also taken to initiate security proceedings under section 110 (a), Cr.P.C., against four Maravars. The respondents however were discharged as they had compromised their differences with the Harijans through the mediation of the Harijan Welfare Officer.”

SRI A. RATNAM :—“ 1953-ம் ஆகஸ்டுமீ 6-ல் ஈட்டேரியில் நடந்த சம்பவம் சம்பந்தமாக அதைச்சுற்றிலும் உள்ள ஹரிஜன சங்கங்கள் சூறையாடப்பட்டு, சில கொலை, களவும் ஏற்பட்டிருப்பதாக சொல்லப்படுகிறது. இந்த விஷயத்தில் அரசாங்கம் ஒன்றும் செய்வதற்கில்லை என்று தெரிவித்து ஜாதி இந்துக்கள் மீது தனிப்பட்ட கேஸ் போடாமாறு சொல்லுகிறார்கள். ஹரிஜனங்கள் பணத்திற்கு எங்கே போவார்கள்? ஆதலால் சர்க்கார் இதுமாதிரியான விஷயங்களில் சரியான முறையைக்கையாள வேண்டுமென்று கலெக்டர்களுக்கு உத்திரவு பிறப்பிப்பார்களா ? ”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, I have no information with reference to the subsequent events alleged by the hon. Member. But, if they are brought to my notice, certainly suitable action will be taken.”

SRI S. R. ARUMUGAM :—“ சமாதானமாகிவிட்டதாக கனம் மந்திரி அவர்கள் கூறினார்கள். சமாதானத்துக்குப் பின்பும் கொடுமைகள் நடந்து கொண்டிருப்பதாக அவ்வூர் ஹரிஜனங்களிடமிருந்து சர்க்காருக்குத் தகவல் ஏதாவது வந்ததா ? ”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, I do not have any information with me now that there were subsequent events. But, anyhow, if any incident happened and if that is brought to my notice, suitable action will certainly be taken.”

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SRI A. RATNAM :—“ ஹரிஜனங்கள் சம்பந்தமாக மாதாமாதம் பம்பாயிலிருந்து பேப்பர் ரிபோர்ட்கள் வருகின்றனவா ? என்ன ரிபோர்ட்டு வருகிறது என்று மந்திரி அவர்கள் பதில் சொல்லுவார்களா ? ”

THE HON. SRI C. SUBRAMANIAM :—“ I do not know what reliance can be placed on reports received from Bombay with reference to incidents happening in our area here. But anyhow, if it happens to be useful information, certainly I would make use of it.”

Thefts and losses in the Public Works Department Workshop and Stores.

* 851 Q.—**SRI O. VENKATASUBBA REDDI** (on behalf of Sri T. P. Elumalai) : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have received copies of any resolutions passed by the Executive Committee of the Public Works Department Workers' Union in May and June 1953 making mention of several thefts and losses in the Public Works Department Workshop and Stores and several irregularities committed every now and then by the authorities of the said workshop and stores; and

(b) if so, the action taken thereon?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ (a) & (b) The Government received certain resolutions of this committee relating to the service grievances of the workers. It was also alleged that there were thefts of articles and tools from workshop. It was found on investigation that these so-called thefts referred to one solitary case of the loss of 59 obsolete silver badges. Action is being taken to recover the cost of these badges from those responsible for their loss.”

B.C.G. Campaign in the City.

* 852 Q.—**SRI N. K. PALANISAMI** : Will the Hon. the Minister for Health be pleased to state—

(a) whether there is now any B.C.G. Campaign in this State;

(b) if so, in which parts of the State this campaign is conducted;

(c) how much money has been collected by selling tuberculosis seals during 1953-54; and

(d) how much money has been spent for the campaign in 1953-54?

THE HON. SRI A. B. SHETTY :—“ (a) Yes, Sir.

“(b) In Madras City only.

“(c) The Tuberculosis Seal Sale Campaign, 1953-54, the fourth of the series, started on 2nd October 1953 and terminated on 26th January 1954. The District Organizations are collecting the sale-proceeds from various agencies in their

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respective districts and their reports are still awaited. It is too soon to assess the total collections in this State for the 1953-54 Campaign. The interim reports from a few districts show that the amount collected so far is about Rs. 18,600. The estimate of total collections may be about Rs. 30,000 to Rs. 40,000.

“(d) No information is available at present. It will take some months before the accounts are finalised and the total collection in this State is known.”

SRI N. K. PALANISAMI :—“ இந்தத் திட்டத்தை மாகாணம் பூராவும் விஸ்தரிப்பதற்கு மத்திய சர்க்காரிடமிருந்து மாகாண சர்க்கார் மான்யம் கேட்டிருக்கிறார்களா? அப்படிக் கொடுத்தால் கொடுக்கக்கூடிய பணத்தை வைத்துக்கொண்டு எவ்வளவு செண்டர்களில் பி.சி.ஜி. காம்பெயின் நடத்த சர்க்கார் உத்தேசித்திருக்கிறது? ”

THE HON. SRI A. B. SHETTY :—“ The Government of India have been asking this Government to extend the B.C.G. Campaign to the mufassal places. Now proposals have been called for with regard to the starting of a mobile B.C.G. team in the West Coast. We are also considering the extension of the B.C.G. Campaign to municipal towns where the municipalities are prepared to bear the expenditure.”

SRI S. RAMALINGAM :—“ May I know whether any grant has been given to this Government by the Central Government for this campaign? ”

THE HON. SRI A. B. SHETTY :—“ No grant has been received.”

SRI N. K. PALANISAMI :—“ இந்த காம்பெயின் செண்டர்களை எந்தெந்த இடங்களில் ஏற்படுத்துவதற்கு சர்க்கார் உத்தேசித்திருக்கிறது? ”

THE HON. SRI A. B. SHETTY :—“ I think the municipalities of Madurai, Coimbatore, Mangalore and Tiruchirappalli have agreed to bear the expenditure for this B.C.G. Campaign and we are considering the question.”

SRI S. DEIVASIGAMANY :—“ In view of the fact that tuberculosis is a fell disease and is prevalent in almost all the places in the State, will the Government include in the Five-year Plan a scheme for carrying on an intensive campaign against it? ”

THE HON. SRI A. B. SHETTY :—“ That is the idea.”

Conviction of women under the Madras Prohibition Act.

* 853 Q.—**SRI K. ARANGANATHAN** : Will the Hon. the Minister for Religious Endowments and Transport be pleased to state the number of women convicted under the Madras Prohibition Act during the year 1952-53?

THE HON. SRI B. PARAMESWARAN :—“ 5,636.”

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SRI K. ARANGANATHAN :—“ May I know the total amount of fine collected and the total period of imprisonment given to them? ”

THE HON. SRI B. PARAMESWARAN :—“ Notice, Sir.”

SRI V. BALAKRISHNAN :—“ Have all of them been convicted for drunkenness or for assisting drunkenness? ”

SRI V. R. NAGARAJAN :—“ Have the Government any figure to show in which district the largest number of women are taking part in defeating Prohibition? ”

THE HON. SRI B. PARAMESWARAN :—“ A separate question may be put.”

Formation of Perumpathy-Chammangudi road, Mayuram taluk.

* 854 Q.—.

MR. SPEAKER :—“ The hon. Member who has given notice of the question is not present. The answer will be printed in the proceedings.”

SRI K. R. SAMBANDAM : Will the Hon. the Minister for Local Administration be pleased to state whether any representation has been made by Sri K. R. Sambandam, M.L.A., about the formation of a road for the benefit of the fishermen at Chammangudi, Mayuram taluk, and if so, what action has been taken thereon?

THE HON. SRI S. S. RAMASAMY PADAYACHI :—“ Yes, Sir. The Tanjore District Board examined the question of forming a road from Perumpathy to Chammangudi but did not pursue it further as it was found that the road would be subject to periodical washes by the sea.”

Lathi charge by Police on 15th August 1953 near Robinson Park, Madras.

* 855 Q.—SRI S. RAMALINGAM : Will the Hon. the Minister for Finance be pleased to state—

(a) how many were injured due to lathi charge by the Police on 15th August 1953 on the gathering that assembled near Robinson Park, organized by the Tamilnad Trade Union Congress;

(b) whether any permission was applied for by the above Congress to take out such a procession and to hold a public meeting; and

(c) if so, on what date the permission was applied for and on what date the permission was granted?

THE HON. SRI C. SUBRAMANIAM :—“ (a) Fourteen persons were injured.

“ (b) & (c) The Tamil Nad Trade Union Congress wanted to hold public meeting at Pensioners' Line Maidan, Washermanpet. On 15th August 1953 and on 10th August 1953 it

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applied to the Commissioner for permission to hold the same. The Commissioner did not give the permission asked for the reason being that he had already permitted the Madras Harbour Union to hold a meeting at the same place on the same day.

“The Tamilnad Trade Union Congress did not apply for permission to take out a procession on that day.”

SRI S. RAMALINGAM :—“15-ம் தேதி கூட்டம் நடத்தவேண்டுமென்று 10-ம் தேதியே போலீஸ் கமிஷனருக்கு மனுக்கொடுக்கப்பட்டிருந்தது. ஆனால் கூட்டம் நடத்தலாம் நடத்தக்கூடாது என்று பதில் சொல்லப்பட்டதா? ஏன் அப்படி பதில் சொல்லப்பட்டவில்லை?”

THE HON. SRI C. SUBRAMANIAM :—“The licence was refused on 14th August 1953.”

SRI M. KALYANASUNDRAM :—“கனம் சபாநாயகர் அவர்களே, அனுமதி கொடுப்பதற்கு வசதி இருப்பதும் இல்லாததும் வேறு விஷயம். திடீரென்று முன் எச்சரிக்கை இன்றி அமைதியாக இருந்த தொழிலாளர்களையும் பெண்களையும் தாக்குகிற முறையிலும், பெண்களை மானபங்கம் செய்யக்கூடிய முறையிலும் போலீஸ் நடந்துகொண்டது கனம் மந்திரி அவர்களுக்கு தெரியுமா? இவ்விதப்பற்றி விசாரணை நடத்துவாரா?”

THE HON. SRI C. SUBRAMANIAM :—“This incident is stated to have happened on 15th August 1953 and there is no information to show that any force was used. Before the lathi-charge, the people were asked to disperse and in spite of the warning, they did not disperse. We find that there was an attempt to overwhelm the police and that was why a light lathi-charge was ordered.”

DR. K. B. MENON :—“Lathi is a relic of British days. Will the Government consider depriving the police of their lathis and asking them to use more humane methods for dispersing crowds? They could easily use tear gas or mounted police which is generally done in other countries.”

THE HON. SRI C. SUBRAMANIAM :—“Mounted Police may cause more havoc. As for using tear gas, we are already adopting that method. Nobody expected that there would be trouble on 15th August 1953. The licence was refused and yet the people met. When they were asked to disperse, they did not disperse but took up a threatening attitude. That was why there was this lathi charge.”

SRI P. JEEVANANDAM :—“கனம் தலைவர் அவர்களே, ஆகஸ்ட் 15-ம் தேதி ஊர்வலம் ஒன்றும் நடக்கவில்லை, பொதுக்கூட்டம் ஒன்றும் நடக்கவில்லை, ஜனங்கள் கூட்டமாகவும் நிற்கவில்லை. ஆகவே போலீஸ் லத்தி சார்ஜ் செய்யவேண்டிய அவசியமேயில்லை. அப்படியிருந்தும் 14 பேருக்கு லேட் லத்தி சார்ஜால் காயம் என்று கனம் அமைச்சர் அவர்கள் சொல்லுகிறார்கள். இதற்கு என்ன காரணம்?”

THE HON. SRI C. SUBRAMANIAM :—“If there was no crowd at all, I do not see how fourteen persons could have been injured. The very fact that fourteen persons were injured shows that there was a large crowd and that it had to be dispersed.”

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SRI N. K. PALANISAMI:—“ஆகஸ்டு 15-ம் தேதி அன்று இந்த தமிழ்நாடு டிரேட் யூனியன் காங்கிரஸ் கூட்டம் போடுவதற்கு அனுமதி கொடுக்கவில்லையா? ஆனால் வேறு ஏதாவது கூட்டத்திற்கு அனுமதி கொடுத்திருக்கிறார்களா?”

THE HON. SRI C. SUBRAMANIAM:—“Another Union was given permission to hold a meeting at the very same place. That was why permission could not be granted to this Union.”

SRI S. RAMALINGAM:—“மற்றொரு சங்கத்திற்கு கூட்டம் போட அனுமதி அளிக்கப்பட்டதாக சொல்லுகிறார்கள். அந்தச் சங்கம் எந்த தேதியில் மனுப் போட்டது? எந்த தேதியில் லைசென்சு கொடுக்கப் பட்டது?”

THE HON. SRI C. SUBRAMANIAM:—“Licence to hold a meeting at the same place was given to the Madras Harbour Union on 13th August 1953. I do not have the date of the application.”

SRI M. KALYANASUNDRAM:—“ஆகஸ்டு 15-ம் தேதி சுதந்திர தினம். பதினான்கு தொழிலாளர்கள் அன்றைய தினம் அடிப்பட்டார்கள். இது ஒரு சாதாரண விஷயம் அல்ல. இந்த சங்கம் 10-ம் தேதி அனுமதி கோரி இருந்தது. போலீசார் தங்கள் பதிலையும் தெரிவிக்காது, அனுமதியும் தெரிவிக்காது, அனுமதி கொடுக்கப்படும் என்ற நம்பிக்கை மாத்திரம் தெரிவித்துக்கொண்டு வந்திருந்தார்கள். ஆனால் கடைசியில் அனுமதி மறுக்கப்பட்டிருக்கிறது. எதற்காக இப்படி செய்திருக்கிறார்கள் என்று பதில் கூறமுடியுமா?”

THE HON. SRI C. SUBRAMANIAM:—“There was no such motive for the police to create this situation. As a matter of fact, the Tamilnad Trade Union Congress applied for permission for holding two public meetings, one at Conransmith Nagar and the other at Pensioners' Line Maidan, Washermanpet. Licence was issued for holding the meeting at Conransmith Nagar, and licence could not be issued for holding a meeting at the Pensioners' Line Maidan because permission had already been granted to another Union for holding a meeting there.”

SRI R. KRISHNASWAMI NAIDU:—“இந்த சம்பவம் நடந்து 9 மாதகாலம் ஆகிறது என்று சொல்லப்படுகிறது. இதற்கான கேள்வி எப்பொழுது கொடுக்கப்பட்டது?”

THE HON. SRI C. SUBRAMANIAM:—“I do not know the exact date. But I shall give it to the hon. Member.”

8-40
a.m.

SRI M. NARAYANA KURUP:—“May I know whether the Police throughout the State are provided with tear gas shells?”

THE HON. SRI C. SUBRAMANIAM:—“Not throughout the State, Sir.”

SRI P. JEEVANANDAM:—“கனம் மந்திரி அவர்கள் பதிலில் காண்ராண்ட்மித் மைதானத்திலும், பென்ஷனர்கள் மைதானத்திலும் கூட்டம் நடத்த அனுமதி கேட்டதாகவும் அதில் ஒரு இடத்தில் கூட்டம் நடத்த அனுமதி கொடுத்ததாகவும் பதில் சொன்னார்கள். இந்த சம்பவம்

[17th May 1954]

நடந்த இடம் அது அல்ல. அன்றைக்கு எந்தவிதமான கூட்டமும் நடத்த வில்லை. ஊர்வலமும் நடத்த ஏற்பாடு செய்யவில்லை. ராபின்ஸன் பார்க்கிற்கு அருகில் நடைபாதையில் நின்றுகொண்டிருந்த தொழிலாளர்களை வேண்டுமென்றே போலீஸார் அடித்து தொந்தரவு செய்திருக்கிறார்கள். 'சத்தியமேவ ஜயதே,' என்ற குறிக்கோளைக் கொண்டிருக்கின்ற இந்த சர்க்கார் இதைப்பற்றி பாரபட்சமின்றி விசாரனை செய்ய ஏற்பாடு செய்வார்களா ? ”

THE HON. SRI C. SUBRAMANIAM :—“ The Police had no intention or motive to lathi charge innocent persons who had assembled there. Sir, in this connexion, the date of the question also will be relevant as was pointed out by the Member sitting behind me. The question was given notice of on 17th December 1953. So, if anything unlawful or high-handed on the part of the Police had really happened, the Member would not have kept quiet till 17th December 1953 without any representation or complaint being sent to the Government meanwhile.”

Grant of takkavi loans in Mannargudi taluk, Tanjore district.

* 856 Q.—**SRI P. VENKATESHA SHOLAGAR :** Will the Hon. the Minister for Revenue be pleased to state—

(a) the amount allotted for the grant of takkavi loan for Mannargudi taluk, Tanjore district, for the years 1952-53 and 1953-54; and

(b) the amount actually paid during 1952-53 and 1953-54?

THE HON. SRI M. A. MANICKAVELU NAICKER :—

Year.	Loans under Land Improvement Loans and Agriculturists' Loans Act.	Loans to non-agriculturists for rebuilding houses destroyed by cyclone.
	RS.	RS.
“ (a) 1952-53	5,000	1,000
1953-54	9,000	..
“ (b) 1952-53	5,000	1,000
1953-54	8,500	.. ”

SRI P. VENKATESHA SHOLAGAR :—“ இது அங்குள்ள விவசாயிகளின் கடன் தேவையைப் பூர்த்தி செய்வதாக இல்லை. பல பேர்கள் விண்ணப்பம் போட்டும் அவர்களுக்கெல்லாம் பணம் கொடுக்கப்படவில்லை. பணமின்மையால் விவசாயிகள் சாகுபடி செய்வதற்கு மிகவும் கஷ்டப்படுகிறார்கள். ஆகவே இன்னும் கொஞ்சம் அதிகப் பணம் அந்தத் தாலுகாவிற்காக ஒதுக்குவார்களா என்று நான் கேட்கிறேன்.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ The amount that yet remains to be disbursed would, I hope, have been disbursed by now. I shall consider whether any further amount could be allotted, bearing in mind of course the question of proper security being furnished.”

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Rajam Electric Company, Nagapattinam.

* 857 Q.—SRI A. K. SUBBIAH: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have received any representation from the Nagapattinam Municipality regarding their taking over the management of Rajam Electric Company at Nagapattinam; and

(b) if so, the action taken by the Government thereon?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“(a) Yes, a representation was received in May 1953.

“(b) As the request of the municipality was not tenable with reference to the provisions of the Indian Electricity Act, 1910, and in view of the nationalization policy of the Government, the municipality was informed that its request could not be complied with.”

SRI A. K. SUBBIAH:—“பொது ஜனங்களுடைய செலாகர்யத்தை உத்தேசித்து மின்சாரத்தை எங்கும் விஸ்தரிப்பதற்காக, இதுமாதிரியாக தனிப்பட்டவர்களிடமும், முனிஸிபாலிட்டிகளிடமும் உள்ள கம்பெனிகளை சர்க்காரே ஏற்று நடத்த முன்வருவார்களா?”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“Perhaps the hon. Member was absent when I was replying to the debate on the Electricity Undertakings (Acquisition) Bill yesterday.

கனம் அங்கத்தினர் நேற்று சபைக்கு வந்திருப்பாரேயானால் இந்தக் கம்பெனிகளை சர்க்காரே ஏற்று நடத்த முடிவு செய்துவிட்ட விஷயம் அவருக்குத் தெரிந்திருக்கும்.”

Improvement of Vazhapoo Cheri and Mohana Mudali Garden area in Madras.

* 858 Q.—SRI S. PAKKIRISWAMI PILLAI: Will the Hon. the Minister for Health be pleased to state—

(a) the number of meetings held by the newly constituted Madras City Improvement Trust in 1953; and

(b) the stage at which the schemes for the improvement of slums known as Vazhapoo Cheri and Mohana Mudali Garden area in Perambur in Madras City stand?

THE HON. SRI A. B. SHETTY:—“(a) Twelve ordinary and two special meetings of the Madras City Improvement Trust Board were held during 1953.

“(b) The draft schemes for the improvement of Vazhapoo Cheri and Mohana Mudali Garden area in Perambur submitted by the Madras City Improvement Trust are under the consideration of the Government.”

[17th May 1954]

Appointment of M.L.As. as ex-officio members of the Taluk Prohibition Committees.

* 859 Q.—SRI T. C. NARAYANAN NAMBIAR: Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) whether the Malabar District Prohibition Council has asked for any clarification from the Government whether or not the M.L.As. of the taluks could be ex-officio members of the Taluk Prohibition Committees concerned; and

(b) if so, the reply given by the Government in the matter?

THE HON. SRI B. PARAMESWARAN:—“(a) No, Sir.

“(b) The question does not arise.”

SRI T. C. NARAYANAN NAMBIAR:—“May I know whether M.L.As. are entitled to attend the meetings of the Prohibition Advisory Committee of the taluk as ex-officio members?”

THE HON. SRI B. PARAMESWARAN:—“No, Sir, they are not entitled to attend those meetings.”

Arrest of Communists in Tanjore district.

* 860 Q.—SRI N. SIVARAJ: Will the Hon. the Minister for Finance be pleased to state—

(a) how many Communists were arrested under section 151 of the Criminal Procedure Code in 1954 in Tanjore district;

(b) how many were involved in cases; and

(c) how many were acquitted?

THE HON. SRI C. SUBRAMANIAM:—“(a) to (c) It will not be possible to furnish information required by the hon. Member as the police do not distinguish between Communists and others in effecting arrests and no one is arrested merely on the ground that he is a Communist. The following information in respect of arrests made under section 151, Criminal Procedure Code, in Tanjore district in 1954 is however furnished:—

The police arrested 23 persons in all. Out of these 10 persons were prosecuted for specific offences. The cases against two others are under investigation. The remaining 11 persons were released and no prosecution was launched against them.”

Construction of Attappadi-Chinnathadakam road.

* 861 Q.—SRI K. C. GOPALAN UNNI: Will the Hon. the Minister for Public Works be pleased to state—

(a) the stage at which the construction of the Attappadi-Chinnathadakam road stands; and

(b) when it is expected to be completed?

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THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“(a) & (b) The scheme is still under investigation. It will be taken up for execution after detailed estimates have been prepared and sanctioned by the competent authority, and completed within a period of three years thereafter, subject to the availability of funds.”

SRI K. C. GOPALAN UNNI :—“Is it not a fact that five lakhs of rupees have been provided this year?”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“No, Sir. The scheme is still under investigation and the amount will be spent only when the scheme is sanctioned.”

Harijan cheris without cremation or burial grounds in Coimbatore.

* 862 Q.—**SRI P. G. MANICKAM :** Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) how many Harijan cheris in Coimbatore district have no cremation or burial grounds; and

(b) how many Harijan burial or cremation grounds have no approach roads?

THE HON. SRI B. PARAMESWARAN :—“(a) 187.

“(b) 33.”

SRI P. G. MANICKAM :—“மயானம் வசதியின்றி ஹரிஜனங்கள் ரொம்பவும் கஷ்டப்படுகிறார்கள். பல இடங்களில் அவர்களுக்கு மயானபூமி கிடையாது. பல இடங்களில் மயானத்திற்குப் போகக்கூடிய பாதையே கிடையாது. மயான பூமியும், அதற்குப் போவதற்கான நடைபாதை வசதியையும் ஹரிஜனங்களுக்கு செய்து கொடுப்பதற்காக கோயம்பத்தூர் ஜில்லாவிற்குப் பணம் ஒதுக்கப்பட்டிருந்தபோதிலும்கூட அந்தப் பணம் செலவு செய்யப்படாமல் திரும்பவும் சர்க்காருக்கே அனுப்பப்படுகிறது. ஆற்றோரங்களையும், நிரோடைகளின் ஓரங்களையும் மயான பூமிகளாக உபயோகப்படுத்திவருகிறார்கள். அதற்குப் போவதற்கு வழியில்லாமலும்கூட ஹரிஜனங்கள் ரொம்பவும் கஷ்டப்படுகிறார்கள்.”

MR. SPEAKER :—“நீங்கள் என்ன எழுதிப் படித்துக் கொண்டே போகிறீர்களே, கேள்வியாகப் போடுங்கள்.”

SRI P. G. MANICKAM :—“ஆகவே சர்க்கார் உடனடியாக ஹரிஜனங்களுக்கு மயான பூமிக்கான வசதியைச் செய்து கொடுக்கும்படி ஜில்லா அதிகாரிகளுக்கு உத்திரவிடுவார்களா?”

THE HON. SRI B. PARAMESWARAN :—“There is some work yet to be done by the Collector of Coimbatore and I will ask him to expedite it.”

SRI V. MUTHU :—“கிராமங்களிலும், முனிசிபர்லிடி போன்ற இடங்களிலும் ஹரிஜனப் பிரேதங்களை பொது மயானத்தில் சுடக்கூடாது, புதைக்கக்கூடாது என்று தடுத்து வருவது சர்க்காருக்குத் தெரியுமா? தெரிந்தால் சட்டப் பிரகாரம் ஹரிஜனப் பிரேதங்களை பொது மயானத்தில் எறிப்பதற்கு என்ன நடவடிக்கைகளை எடுத்துக் கொண்டிருக்கிறார்கள்?”

THE HON. SRI B. PARAMESWARAN :—“If specific cases are brought to the notice of the Government, they will certainly enquire into them and do the needful.”

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SRI B. K. NALLASWAMI:—“The hon. Member, Mr. Manickam, complained that a large sum of money has been surrendered to the Government just because it has not been spent in Coimbatore district. Inasmuch as there are many burial grounds in the State which have no approach roads, will the Government sanction the entire amount that has been surrendered so far for being spent on this work and also for providing other amenities at least this year in the Coimbatore district?”

THE HON. SRI B. PARAMESWARAN:—“As I said, the work that remains to be done will be expedited.”

SRI K. ISHWARA:—“Is there any separate burial ground for Harijans?”

THE HON. SRI B. PARAMESWARAN:—“Does the Member want information regarding South Kanara, Sir?”

SRI P. CHELLATHURAI:—“மயானங்களைப் பொறுத்தவரையில் ஹரிஜனங்களின் மயானம், செட்டியார்களின் மயானம், பிராமணர்களின் மயானம் என்று பல ஜாதியார்களுக்கும் தனித்தனியாக மயானங்கள் இருப்பதை ஒழித்துவிட்டு ஒரே ஒரு புதையல் குழியை மட்டும் பொதுவாக வைக்க சர்க்கார் என்ன ஏற்பாடு செய்வார்கள்?”

THE HON. SRI B. PARAMESWARAN:—“I think it is already there. Anyhow I will look into the matter.”

Lathi charge on prisoners in the Central Jail, Tiruchirappalli.

* 863 Q.—SRI S. RAMALINGAM: Will the Hon. the Minister for Finance be pleased to state—

(a) why there was a lathi charge on prisoners on 16th February 1954 in the Central Jail, Tiruchirappalli; and

(b) the number of persons injured?

THE HON. SRI C. SUBRAMANIAM:—“(a) There was no lathi charge on prisoners in the Central Jail, Tiruchirappalli on 16th February 1954.

“(b) The question does not arise.”

SRI M. KALYANASUNDRAM:—“கனம் சபாநாயகர் அவர்களே, கனம் மந்திரி அவர்கள் எப்பொழுது பார்த்தாலும் இந்த மாதிரியான சம்பவங்களை நடக்கவில்லை யென்பதாகப் பதிலளித்துவிடுகிறார்கள். துரதிருஷ்டவசமாக அவருக்கு அவருடைய இலாக்கா அந்த பதிலை அளிக்கிறது. திருச்சி சிறையில் அடிபட்ட கைதியை நான் நேரில் பார்த்தேன். நண்பர் வடிவேலு அவர்களும் அன்றைக்கே சிறைக்கு விஜயம் செய்து அந்தக் கைதியைப் பார்த்திருக்கிறார். மறுநாளைக்கு அந்தக் கைதி விடுதலை செய்யப்பட்டார். உடனே அவரை பொன்மலைக்கு அழைத்துவந்து எங்கள் காரியாலயத்தில்தான் தங்கவைத்து அவருக்கு சிகிச்சை அளித்தோம். இவ்வளவும் எனக்கு நேரில் தெரிந்த விஷயம். அப்படி இருக்கும்போது கனம் மந்திரி அவர்கள் அதுமாதிரியாக ஏதும் நடக்கவில்லையென்று மறுப்பதுதான் எனக்கு ஆச்சர்யமாக இருக்கிறது. ஆகவே இனிமேலாவது இந்த விஷயத்தைப்பற்றி விசாரிக்க உடனடியாக ஏற்பாடு செய்வார்களா?”

THE HON. SRI C. SUBRAMANIAM:—“Sir, the question is whether there was any lathi charge on prisoners. There was no lathi charge on prisoners as such. There was a complaint

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of assault by one of the prisoners who was released, that he was assaulted by a warder. That cannot be said to be a lathi charge. The prisoner who was released was asked to be present for an enquiry the next day. As he did not turn up, the enquiry has to be dropped."

Extent of waste lands brought under cultivation in Amarajamethipuram village, Tanjore district.

* 864 Q.—SRI P. VENKATESHA SHOLAGAR: Will the Hon. the Minister for Revenue be pleased to state—

(a) the extent of cultivable waste lands in Amarajamethipuram village of Pattukkottai taluk in Tanjore district;

(b) the extent brought under cultivation by the landless poor; and

(c) the amount collected as penalty for cultivating these lands in the year 1952-53?

THE HON. SRI M. A. MANICKAVELU NAICKER:—

"(a) 172.82 acres.

"(b) 10.18 acres.

"(c) No penalty was collected from them."

Local Fund Hospital, Payyanur, Malabar.

* 865 Q.—SRI K. P. GOPALAN: Will the Hon. the Minister for Health be pleased to state—

(a) the amount, if any, sanctioned by the Government for medicine to the Local Fund Hospital, Payyanur, Malabar, during the financial year 1952-53; and

(b) the number of in-patients and out-patients who got treatment in the hospital during the same period?

THE HON. SRI A. B. SHETTY:—" (a) Nil, Sir.

"(b) In-patients—76.

Out-patients—11,265."

SRI K. P. GOPALAN:—" In view of the fact that there are many out-patients attending the hospital and in view of the fact that this hospital is intended for about two lakhs of population, will the Government be pleased to convert this hospital into a Government hospital, or will the Government be pleased to allot more money for medicine, food and other things in this hospital."

THE HON. SRI A. B. SHETTY:—" It is a Local Fund Hospital maintained by the Malabar District Board and the Malabar District Board has allotted a sum of Rs. 3,000 for the purchase of medicines in this hospital during 1952-53. When proposals are received for provincialization, the question will be considered."

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Assignment of house-sites to Harijans and persons belonging to backward classes in Tanjore district.

* 866 Q.—SRI S. SWAYAMPRAKASAM (on behalf of Sri K. R. Sambandam): Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) how many Harijans and persons belonging to backward classes in Tanjore district applied for the assignment of house-sites during the last three years and how many applications have been disposed of; and

(b) whether the Government have under consideration any proposal for the appointment of a Special Officer in Tanjore district to expedite the acquisition of house-sites?

THE HON. SRI B. PARAMESWARAN :—“(a) The number of Harijans and agricultural labourers in Tanjore district who applied for house sites during the last three years are as follows :—

Year.	Number of Harijans and other applicants.
1951-52	13,350
1952-53	7,152
1953-54	1,160

All the applications except 36 applications relating to 1953-54 have been disposed of.

“(b) No, Sir.”

SRI A. GOVINDASWAMY NAYAGAR :—“ஆதி திராவிடர்களுக்கு இந்த மனைக்கட்டு ஒதுக்கும் விஷயத்தில் சர்க்கார் ஏன் இவ்வளவு காலதாமதம் செய்கிறார்கள் என்பதைக் கேட்க விரும்புகிறேன்.”

THE HON. SRI B. PARAMESWARAN :—“There is no considerable delay, Sir.”

Malayalam journal “Thaniniram.”

* 867 Q.—SRI M. NARAYANAN NAMBIAR (on behalf of Sri V. R. Krishna Ayyar): Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have received any representations or complaints about the publication and circulation of the journal called “Thaniniram” in Malayalam language;

(b) the steps, if any, taken by the Government to stop circulation of this journal; and

(c) whether any action was taken against this journal to stop its publication in Kozhikode and Tellicherry?

THE HON. SRI C. SUBRAMANIAM :—“(a) to (c) Yes, Sir. As the periodical is a Malayalam monthly printed and published in Trivandrum, this Government addressed the Government of Travancore-Cochin in the matter. That Government have initiated an action under the Press

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(Objectionable Matter) Act, 1951, against this periodical and the same is pending in the Sessions Court, Trivandrum. This Government are awaiting the disposal of the judicial enquiry referred to above. The matter is therefore *sub judice*."

MR. SPEAKER :—" As the matter is *sub judice*, I do not think that any supplementaries can be allowed on the answer to this question."

SRI M. KALYANASUNDARAM :—" Without referring to it. I will put a supplementary question, Sir."

MR. SPEAKER :—" I have no objection. Let me see the question."

SRI M. KALYANASUNDRAM :—" தனிரம்" என்ற பத்திரிகை எது சம்பந்தமாக வினாத்தான் விஷயங்களைப் பிரசுரித்தது? அந்த விஷயங்கள் என்ன என்றாவது கனம் மந்திரி அவர்கள் சொல்வார்களா?"

THE HON. SRI C. SUBRAMANIAM :—" Sir, it is alleged that it has published obscene matters."

Drainage schemes for Velur, Salem district.

* 868 Q.—SRI K. V. RAMASWAMY: Will the Hon. the Minister for Health be pleased to state—

(a) whether the Government have received a copy of any resolution passed by the Panchayat Board, Velur, Salem district, to give special priority to the drainage schemes; and

(b) if so, the action proposed to be taken thereon?

THE HON. SRI A. B. SHETTY :—" (a) No, Sir.

" (b) Does not arise."

Expenditure incurred on the Lower Bhavani and Malampuzha Projects.

* 869 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Public Works be pleased to state the total amount up to 31st March 1953 spent for the construction of the Lower Bhavani Project and the Malampuzha Project?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" Lower Bhavani Project—Rs. 947 lakhs.

Malampuzha Project—Rs. 249 lakhs."

SRI K. ARANGANATHAN :—" May I know, Sir, whether the construction of Lower Bhavani Project has been completed."

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" It is getting completed."

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Illegal sale of rice in a ration shop under the Producers'-cum-Consumers' Co-operative Society, Limited, Kongod, South Malabar.

* 870 Q.—SRI M. NARAYANA KURUP: Will the Hon. the Minister for Finance be pleased to state whether there was illegal sale of rice in ration shop No. 198 under the Producers'-cum-Consumers' Co-operative Society, Limited, Kongod, South Malabar, and, if so, what action has been taken thereon?

THE HON. SRI C. SUBRAMANIAM:—“ Yes. On verification of the accounts of the Ration shop No. 198, Kongad, it was found that the Manager of the shop issued excess ration of about 14 bags by making double and triple issues of ration on many ration cards and that he had misappropriated certain quantity of foodgrains by issuing ration in excess of the prescribed scale and also falsified the accounts. For these irregularities the President of the Society imposed upon the Manager a fine of Rs. 150 and kept him under suspension. Subsequently the Society filed a complaint with the Police and investigation is proceeding. As it is found that ration shops under the Producers'-cum-Consumers' Co-operative Society, Kongad in Palghat taluk are not functioning properly and as the President and Secretary of the Society are not having proper control over the ration shop Manager, the District Supply Officer is examining the question of relieving the Society of its work of distribution of foodgrains.”

Aid to ayurvedic institutions or colleges in Malabar.

* 871 Q.—SRI T. C. NARAYANAN NAMBIAR (on behalf of Sri V. R. Krishna Ayyar): Will the Hon. the Minister for Health be pleased to state—

(a) whether the Government have received any representation from the Keraleeya Ayurvedic Samajam Hospital and College, Shoranur, Malabar, for aid or subvention and if so what action has been taken thereon; and

(b) whether the Government have received any representation for aid from any other ayurvedic institutions or colleges in Malabar and if so, whether they have been given any assistance?

THE HON. SRI A. B. SHETTY:—“(a) & (b) No, Sir.”

SRI T. C. NARAYANAN NAMBIAR:—“ The Keraleeya Ayurvedic Society, a registered institution in Kannanore, North Malabar as Managers of Madava Memorial Ayurvedic College and Hospital, Kannanore, have submitted a memorandum on 22nd August 1952 to the Hon. the Chief Minister, on 12th January 1953 to the Hon. Minister for Industries and on 26th February 1954 to the Government of Madras for financial aid, in view of the fact that the institution which is recognized but not given grant is on the verge of collapse unless Government come forward to give some financial aid. Will the Hon. Minister be pleased to look into the matter and take suitable action for the continuance of this glorious institution in Kannanore? ”

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THE HON. SRI A. B. SHETTY :—" According to the information at my disposal, no representation for grants in connection with the budget for 1954-55 has been received by the Government. If fresh requests are received, they will be considered."

SRI T. C. NARAYANAN NAMBIAR :—" Sir, in a letter addressed to me on 26th February 1954, it was stated that a memorandum, a copy of which has been given to me, also has been submitted. Anyhow, I will submit this memorandum now to the Hon. Minister."

Survey of old estate lands.

* 872 Q.—SRI K. V. RAMASWAMY : Will the Hon. the Minister for Revenue be pleased to state—

(a) the extent of lands in the old estates now taken over that have been surveyed by the Government up-to-date; and

(b) the total expenditure incurred by the Government in this regard from 1952 to February 1954?

THE HON. SRI M. A. MANICKAVELU NAICKER :—

" (a) The extent of lands in the estate areas surveyed in the residuary Madras State up to February 1954 is 4,401.27 square miles.

" (b) The total expenditure incurred by the Government for the survey of lands in the estate areas of the Residuary Madras State for the period from April 1952 to January 1954 is Rs. 22,38,822. The expenditure incurred in February 1954 is not known as the particulars from the subordinate officers have not been received."

SRI K. V. RAMASWAMY :—" இந்த ராஜ்யம் பூராவும் இருக்கக்கூடிய சர்வே ஆகாத எஸ்டேட் நிலங்கள் எவ்வளவு என்பதையும், அவைகள் எல்லாவற்றிலும் சர்வே செய்ய எவ்வளவு காலம் பிடிக்கும், அதற்கு எவ்வளவு பணம் செலவு ஆகும் என்பதையெல்லாம் கனம் மந்திரி அவர்கள் சொல்வார்களா ? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" I think it would take about 4 or 5 years, Sir and the amount will be in the order of some lakhs."

SRI S. VENKATARAMA AYYAR :—" As settlement has to be effected only after survey operations are over, will the Government be pleased to increase the staff of the Survey Department so as to expedite the work."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Yes, Sir. We have already increased the staff in certain cases. We shall consider in what other places it is absolutely necessary to increase the staff."

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Validation of the invalidated enactments.

* 873 Q.—SRI T. C. NARAYANAN NAMBIAR (on behalf of Sri V. R. Krishna Ayyar): Will the Hon. the Minister for Finance be pleased to state whether the Government are taking or have taken necessary steps to validate all the enactments invalidated by the Courts since January 1953?

THE HON. SRI C. SUBRAMANIAM:—“The answer is generally in the affirmative; but in two cases, the question of filing an appeal in the Supreme Court against the decision of the High Court is under consideration.”

Extent of waste lands brought under cultivation in Tanjore district.

* 874 Q.—SRI A. K. SUBBIAH: Will the Hon. the Minister for Revenue be pleased to state—

(a) the extent of cultivable waste lands in Tanjore district; and

(b) the number of acres out of that extent which have been brought under cultivation?

THE HON. SRI M. A. MANICKAVELU NAICKER:—

“ (a) 75,040 acres.

“ (b) 4,416 acres.”

Distribution of lands under the Bhoodan Movement.

* 875 Q.—SRI N. GOPALA MENON: Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) whether the Government have any information regarding the extent of lands actually distributed among the landless persons in the State under the Bhoodan Movement; and

(b) whether the Government contemplate any legislation for the purpose of enabling the valid transfer of the lands quickly and without much expense?

THE HON. SRI B. PARAMESWARAN:—“ (a) No.

“ (b) Yes.”

9 a.m. SRI N. GOPALA MENON:—“ Is there any proposal to make these transfers less expensive? ”

THE HON. SRI B. PARAMESWARAN:—“ Sir, there is a provision that the transfer of lands under the Boodan movement will be free of registration charges and stamp duties.”

SRI N. GOPALA MENON:—“ Are pattas being issued in the name of the donees? ”

THE HON. SRI B. PARAMESWARAN:—“ The whole matter is under consideration by the Government.”

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Utilization of the amount collected as Library cess.

* 876 Q.—SRI S. PAKKIRISAWMI PILLAI : Will the Hon. the Minister for Finance be pleased to state the action taken by the Government to utilize the amount collected as Library cess by the Corporation of Madras?

THE HON. SRI C. SUBRAMANIAM :—“ The responsibility for the provision of library service in the Madras City, by utilizing the library cess collected under the provisions contained in the Madras Public Libraries Act, 1948, rests with the statutory body constituted for the purpose, namely, the Local Library Authority, Madras City. The Government have issued instructions to the Director of Public Libraries to give her personal attention to the matter and see that urgent steps are taken by the Authority in regard to the provision of library service in the City.”

SRI S. PAKKIRISAWMI PILLAI :—“ May I know what amount has been so far collected as library cess in the City of Madras through the Corporation of Madras? ”

THE HON. SRI C. SUBRAMANIAM :—“ The total up to the end of February 1954 is Rs. 11,34,654-10-5.”

Re-formation of the road connecting Sathyavedu and Bethlapuram in Ponneri taluk.

* 877 Q.—SRI O. CHENGAM PILLAI : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the re-formation of the road connecting Sathyavedu and Bethlapuram in Ponneri taluk has been completed ;

(b) if not, how long it will take for its completion ; and

(c) the estimated cost of the road?

THE HON. SRI S. S. RAMASAMY PADAYACHI :—
“ (a) There is no roads as ‘ Sathyavedu to Bethlapuram ’ in Ponneri taluk.

“ (b) & (c) Do not arise.”

SRI O. CHENGAM PILLAI :—“ Sir, கனம் மந்திரி அவர்கள் சத்தியவேடு முதலிய இடங்களிலுள்ள ரோடுகளில் சென்றிருக்கிறா? 20 வருஷகாலமாக ரோடுகள் பராமரிப்பு இல்லாமல், பொதுமக்கள் கஷ்டப்பட்டு வதற்கு காரணம் என்ன என்பதை அறிய விரும்புகிறேன்.”

THE HON. SRI S. S. RAMASAMY PADAYACHI :—“ இந்த பிரதேசங்கள் உள்ள பகுதிகளில் நான் தேர்தலுக்கு நிற்கவில்லை. ஆகவே நான் சென்று பார்ப்பதற்கான சந்தர்ப்பம் வாய்க்கவில்லை. கனம் அங்கத்தினர் அவர்கள் பெதளபுரத்திற்கு வசதிசெய்து கொடுக்கவேண்டுமென்று சொன்னார்கள். அந்த பெதளபுரத்திற்கும் சர்க்காருக்கும் சம்பந்தமில்லை. ஆகவே அந்த ரோடிற்கு சம்பந்தமானவர்களிடம் சொல்லி தக்க நடவடிக்கை எடுக்கும்படி அங்கத்தினரை கேட்டுக்கொள்ளுகிறேன்.”

SRI K. C. GOPALAN UNNI :—“ The answer given by the Hon. Minister is not understood by us.”

MR. SPEAKER :—“ I cannot help that.”

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SRI K. C. GOPALAN UNNI :—“ Sir, I think it will be better if at least the answers are translated in English so that we may be able to understand them and put supplementaries.”

MR. SPEAKER :—“ It is not possible to translate answers.”

SRI A. GOVINDASWAMY NAYAGAR :—“ கனம் செங்கம் பின்னை அவர்கள் கேட்ட கேள்விக்கு கனம் ஸ்தலஸ்தாபன மந்திரி அவர்கள் பதில் அளிக்கும்போது, நான் தேர்தலுக்கு அந்த தொகுதியில் நிற்கவில்லை, அதனால் போகவில்லை என்று பதில் கூறினார்கள். மந்திரியாக வந்த பிறகாவது பொதுவாக எல்லா இடங்களுக்கும் சென்று அதற்கான நடவடிக்கைகள் எடுப்பாரா ? ”

THE HON. SRI S. S. RAMASAMY PADAYACHI :—“ நான் தேர்தலுக்காக போகாவிட்டாலும், எதிர்ப்புப் பிரசாரத்தை ஒழிப்பதற்காக தயார்செய்து கொண்டிருக்கிறேன். சமயம் வரும்போது நிச்சயம் அங்கு சென்று ஆவன செய்வேன்.”

SRI S. DEIVASIGAMANY :—“ On a point of information, Sir. May I know whether it is ‘ Bethlapuram ’ or ‘ Vethalapuram ’ ? ” (Laughter.)

Scales of pay of vaccinators and Health Inspectors.

* 878 Q.—SRI N. K. PALANISAMI: Will the Hon. the Minister for Health be pleased to state—

(a) the salary and allowances of a vaccinator; and

(b) the salary and allowances of a Health Inspector?

THE HON. SRI A. B. SHETTY :—“ (a) The scale of pay of a vaccinator is Rs. 50-5-80 with usual dearness allowance.

“ (b) The scale of pay of a Health Inspector is Rs. 60-3-90 (E.B.)—4-130 with usual dearness allowance.”

SRI N. K. PALANISAMI :—“ பிரிட்டிஷ் ஆட்சி காலத்தில் 1936-ம் வருஷத்திற்கு முன்பு ஹெல்த் இன்ஸ்பெக்டர், சானிடரி இன்ஸ்பெக்டர் களுக்கு அதிகப்படியான அலவன்சு கொடுக்கப்பட்டு வந்திருக்கிறது. ஆனால் 1936-ம் வருஷத்துக்குப் பின் அவர்களுடைய அலவன்சு மூன்றில் ஒரு பங்காக குறைக்கப்பட்டது. இப்போது அதிகப்படியான தொத்து வியாதிகள் பரவிக்கொண்டுவருகிற காலத்திலும் அவர்களுக்கு அலவன்சு கொடுக்கப்படுவ தில்லை. ஆகையால், மறுபடியும் அவர்களுக்கு அதிகப்படியான அலவன்சு கொடுக்க சர்க்கார் முயற்சிப்பார்களா? தொத்து வியாதிகள் அதிகப்படியாக உள்ளபோது ஸ்பெஷல் அலவன்சு கொடுக்க சர்க்கார் முன்வருவார்களா ? ”

THE HON. SRI A. B. SHETTY :—“ The hon. Gentleman may please put his points in writing and give them to me.”

Steps taken to check the rise in the price of rice in South Kanara.

* 879 Q.—SRI T. ANANTA PAI (on behalf of Sri Y. Manjaya Shetty): Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have taken any steps to check the rise in the price of rice in South Kanara district; and

(b) if so, what they are?

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THE HON. SRI C. SUBRAMANIAM :—“(a) Yes, Sir.

“(b) (1) The Collector has been instructed to adopt the following measures to check the rise in prices :—

- (i) to open more fair price shops in areas where prices show a tendency to rise abnormally.
- (ii) to ensure that all fair price shops keep adequate stocks for issue to the consumers and to issue stocks to the consumers at the prescribed scale when demanded.
- (2) The fair price shops in the ex-statutory rationed urban areas and the ration shops in the informally rationed areas of the district are being continued. Four ounces of rice and 6 ounces of other grains in the ex-statutory rationed urban areas and 7 ounces of rice and 5 ounces of other grains in the informally rationed areas are being issued.
- (3) The Collector has also been instructed to take vigilant steps to stop smuggling of paddy and rice from the district and also to requisition paddy and rice if necessary from the hoarders under the provisions contained in the Food-grains (Licensing and Procurement) Order, 1952, in order to bring down the open market prices of the commodities.
- (4) The South Kanara Central Co-operative Wholesale Stores, Mangalore, has been permitted to import 2,000 tons of rice from Coorg on their own account and to distribute the stock in the district at reasonable prices to be fixed by the Collector.
- (5) The Collector has instructed the local Revenue Officials to keep a close watch on the situation and to take special measures to bring down the price in their respective jurisdiction by contacting big merchants and land owners and warning them against artificial inflation of prices and to form non-official committees in all important centres for securing rice for sale to the poorer classes of people at lower rates.”

Capacity of the Salaputhur tank in South Arcot.

* 880 Q.—SRI K. ARANGANATHAN : Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Salaputhur tank with its present capacity can irrigate the entire ayacut under it in Nallan Pillai Pethal, Gingee taluk, South Arcot district; and

(b) if not, how many acres of land can it irrigate?

THE HON. SRI M. A. MANICKAVELU NAICKER :—

“(a) No, Sir.

“(b) 103 acres.”

MR. SPEAKER :—“Next question No. 881.”

SRI K. ARANGANATHAN :—“Sir, a similar question like question No. 880, i.e., the question that was just now answered,

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has come before the House on two or three occasions, but no supplementaries were allowed then. As this is a very important question I request you to kindly allow us to put a few supplementary questions."

MR. SPEAKER :—" As the question referred to by the hon. Member might have been entered last in the list on previous occasions also, supplementaries might not have been allowed then also. It is already 9-10 a.m. I have passed the question-time. We are now taking up the time of the House which has to be utilized for considering other business placed on the agenda."

SRI K. V. RAMASWAMY :—" இது ரொம்ப முக்கியமான கேள்வி. ஆகையால் இதை நாளைக்கு எடுத்துக்கொள்ளலாமென்று நினைக்கிறேன்."

MR. SPEAKER :—" ஒவ்வொரு நாளைக்கும் நான் 40 கேள்விகளை எடுத்துக் கொள்ளவேண்டியிருக்கிறது. இருந்தாலும் சரி, நாளைக்கே எடுத்துக் கொள்ளலாம்."

Issue of licences for tapping sweet toddy to ex-toddy tappers, Kunnathur.

* 882 Q.—SRI N. K. PALANISAMI : Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) when the licences for tapping sweet toddy issued to ex-toddy tappers of Kunnathur expired during the year 1953; and

(b) when the licences were re-issued for the same?

THE HON. SRI B. PARAMESWARAN :—" (a) On 30th September 1953.

" (b) The licences were issued on varying dates from October 1953 to January 1954."

MR. SPEAKER :—" Question No. 883."

SRI G. GOVINDAN :—" இதுவும் ரொம்ப முக்கியமாகவே தோன்றுகிறது. ஆகையால் இதையும் நாளைக்கு வைத்துக் கொள்ளலாமென்று கேட்டுக்கொள்ளுகிறேன்."

MR. SPEAKER :—" All right. Question No. 883 may be taken up to-morrow."

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ADJOURNMENT MOTION *RE* PROMULGATION OF ORDERS UNDER SECTION 41 OF THE MADRAS CITY POLICE ACT, PROHIBITING MEETINGS AND PROCESSIONS IN THE CITY.

MR. SPEAKER :—" Hon. Member Sri S. Ramalingam has given notice of an adjournment motion which reads as follows :—

'That the House be adjourned to discuss an urgent matter of public importance namely the action of the Government prohibiting the holding of any meeting, gathering, procession, or demonstration in the City under an order dated 13th, made by the Commissioner of Police under section 41 of the Madras City Police Act and thereby curtailing the civil liberties of the citizens.'

I wish to hear what Mr. Ramalingam wishes to say."

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SRI S. RAMALINGAM :—“கனம் சபாநாயகர் அவர்களே, போலீஸ் கமிஷனர் இந்த உத்திரவை போட்டிருக்கிறார். கல்வித் திட்டத்தை எதிர்த்தோ அல்லது ஆதரித்தோ பொதுக் கூட்டங்கள், ஆர்ப்பாட்டங்கள் நடக்க இருக்கின்றன. ஆகையால் பொதுஜன அமைதிக்கு பங்கம் ஏற்படாத வகையில் தடுப்பதற்காக இந்த உத்திரவை மூன்று வாரங்களுக்கு போட்டிருக்கிறார். இதனால் எவ்விதமான கூட்டமும், ஊர்வலமும் நடத்தக் கூடாது என்ற தடையிருக்கிறது. இங்கு ஒன்று கூற விரும்புகிறேன். நானுக்கு சர்க்கார் கல்வித் திட்டத்தை முடிவு கட்டி அறிக்கை வெளியிடப் போகின்றார்கள். அப்படி இருக்கும்போது கல்வித் திட்டத்தை ஆதரித்தும், எதிர்த்தும் பொதுக் கூட்டங்கள் போடுவதற்கு அவசியம் இல்லை. இதனால் மக்கள் தங்களுடைய குறைகளையோ, மற்றும் தங்களுடைய பிரச்சினைகளையோ தீர்த்துக்கொள்வதற்கு முடியாமல் தடை போடப்பட்டிருக்கிறது. ஆகவே இந்த உத்திரவை ரத்து செய்யுமாறு கேட்டுக் கொள்கிறேன்.”

SRI M. KALYANASUNDRAM :—“கனம் சபாநாயகர் அவர்களே, ஒழுங்குக்கு பங்கம் விளைவிப்பதற்காக யார் மீதுவது நடவடிக்கை எடுக்க வேண்டுமென்றால், கனம் கல்வி மந்திரி அவர்கள் மீதுதான் நடவடிக்கை எடுத்தாக வேண்டும். ஏனென்றால், அமைதிக்கு பங்கம் விளைவிக்கும்படியான ஒரு திட்டத்தை கொண்டுவந்து, கடந்த ஒரு வருஷகாலமாக குழப்பத்தை உண்டாக்கியிருக்கிறார். அதோடு இப்பொழுது போடப்பட்டிருக்கும் தடைச் சட்டம் தவறு என்பது என் அபிப்பிராயம். இந்த தடை உத்திரவால் சட்டசபை அங்கத்தினர்களையும், ஏன் சபாநாயகரையும் கூட பொதுமக்கள் இங்கு வந்து பார்க்கக்கூடாத ஒரு நிலைமை ஏற்படுகிறது.”

MR. SPEAKER :—“Demonstration என்றுதான் போடப்பட்டிருக்கிறது.”

SRI M. KALYANASUNDRAM :—“இன்னொரு உத்திரவு இருக்கிறது. அமைதிக்கு பங்கம் ஏற்படக்கூடாது, அமைதிக்கு பங்கம் ஏற்படும்படியான ஒன்றும் செய்யவில்லை. போலீசார் தான் செய்கின்றனர். அப்படி இருக்கும் இந்த தடை உத்திரவை ஒதுக்கி வைக்க வேண்டுமென்று கேட்டுக் கொள்ளுகிறேன்.”

MR. SPEAKER :—“The adjournment motion refers to a matter which comes under day-to-day administration of the Government. I therefore rule the motion out of order.” 9-10 a.m.

III.—ANNOUNCEMENT BY THE SPEAKER *RE* MESSAGES FROM THE COUNCIL.

MR. SPEAKER :—“I have to announce to the House that I have received the following messages, dated 15th May 1954, from the Hon. Chairman, Madras Legislative Council :—

‘(1) In accordance with rule 112 of the Madras Council Rules, I return the Madras General Sales Tax (Second Amendment) Bill, 1954 (L.A. Bill No. 20 of 1954), as passed by the Council on the 15th May 1954 without any recommendation and signed by me.

(2) In accordance with rule 112 of the Madras Council Rules, I return the Madras Medium Cotton Mill Cloth (Sales Tax) Bill, 1954 (L.A. Bill No. 21 of 1954), as passed by the Council on the 15th May 1954, without any recommendation and signed by me.”

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IV.—INFORMATION *RE*. HALF-HOUR DEBATE ON ACTIVITIES
OF FRENCH POLICE ON INDIAN BORDER.

SRI M. KALYANASUNDRAM :—“கனம் சபாநாயகர் அவர்களே, விடுதலை அடைந்த பிரெஞ்சுப் பிரதேசத்தை நம்முடைய மாகாணத்தோடு இணைத்துக்கொள்ளும்படி கேட்ட கேள்வியின் மேல் ஒரு அரைமணி நேர விவாதம் வைத்துக்கொள்ளலாம் என்று சொன்னது ஞாபகம் இருக்கும். அதை இன்று வைத்துக்கொள்ளக்கேட்டுக்கொள்ளுகிறேன்.”

THE HON. SRI C. SUBRAMANIAM :—“Sir, I thought it was agreed that there was no necessity to have a discussion on this.”

MR. SPEAKER :—“Yes, that is what we have agreed in my Chamber and the Deputy Leader of the Opposition also agreed not to press it.”

SRI M. KALYANASUNDRAM :—“I did not agree, but I kept quiet.”

MR. SPEAKER :—“Silence means agreement.”

SRI M. KALYANASUNDRAM :—“அவர்கள் உங்களிடத்திலே சொல்லிக்கொண்டிருந்தார்கள். நானும் உங்களிடத்திலே சொல்லிக் கொண்டிருந்தேன்.”

MR. SPEAKER :—“Then, let us take it up to-morrow.”

SRI M. KALYANASUNDRAM :—“அவர் இதற்கு பதில் தயாரிப்பதற்கு வேண்டிய அவசியம் ஒன்றுமில்லை. நாங்கள் சொல்லவேண்டியது. அவர் கேட்டுக்கொள்ளவேண்டியது. இதுபற்றியெல்லாம் ஆலோசனை செய்யப்படும் என்ற பதில் சொல்வது இருக்கவே இருக்கிறது.”

MR. SPEAKER :—“Well, we shall take it up to-morrow, for we must also give some time to the Hon. Minister.”

V.—GOVERNMENT MOTIONS.

- (1) MOTION UNDER RULE 22 (3) OF THE ASSEMBLY RULES
re CHANGE IN THE ORDER OF BUSINESS OF THE HOUSE.

THE HON. SRI C. SUBRAMANIAM :—“Sir, with your permission, may I suggest a slight change in the order of business of the House?”

MR. SPEAKER :—“I have no objection.”

THE HON. SRI C. SUBRAMANIAM :—“Sir, I move—

‘That under Rule 22 (3) of the Madras Assembly Rules, the Government Motion relating to “Amendments to the Madras General Sales Tax (Turnover and Assessment) Rules, 1939,” be taken up first.’”

The motion was put and carried.

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(2) AMENDMENTS TO THE MADRAS GENERAL SALES TAX (TURNOVER AND ASSESSMENT) RULES, 1939.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—

“ Sir, I thank you for making this change. I beg to move—
‘ That the following draft amendments to the Madras General Sales Tax (Turnover and Assessment) Rules, 1939 (published with Revenue Department Notification No. 818, dated the 12th September 1939, at pages 1-5 of the Extraordinary issue of the Fort St. George Gazette, dated the 15th September 1939, as subsequently amended), which it is proposed to make in exercise of the powers conferred by section 3, sub-sections (4) and (5), of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), be approved.’

All the amendments except amendment (2) relating to insertion of sub-rule (9-a) in rule 5-A, shall be deemed to have come into force on the 1st April 1953.

DRAFT AMENDMENTS.

In the said rules—

(1) in sub-rule (1) of rule 5-A, after the first proviso, the following provisos shall be added, namely :—

“ Provided also that in the case of a non-resident dealer such application for the year 1953-54 shall be made not later than 15th June 1954 :

Provided further that dealers already registered shall, for the year 1953-54, furnish to the concerned registering authority not later than the 15th June 1954, the following information, namely :—

(a) the States from which goods have been purchased, and (b) the States to which goods have been sold ;

and thereafter send a report to the registering authority about purchases or sales from States not already specified, within thirty days of such purchases or sales.” ;

(2) In rule 5-A of the Madras General Sales Tax (Turnover and Assessment) Rules, 1939, after sub-rule (9), the following shall be inserted as sub-rule (9-A), namely :—

“ (9-A) When a registered dealer changes any place of his business, he shall intimate the fact to the registering authority within thirty days of such change and get his certificate of registration duly amended.”

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(3) *after rule 13, the following shall be inserted as rules 13-A and 13-B, namely :—*

“ 13-A. In the case of a dealer residing outside the State (hereinafter referred to as a non-resident dealer) the provisions of these rules shall apply subject to the following modifications and additions, namely :—

- (1) Rules 6 to 13 shall not apply to non-resident dealers but the provisions of the following sub-rules shall apply.*
- (2) For the purpose of these rules, the aggregate turnover of all the sales within this State shall be the turnover of the business of the non-resident dealer.*
- (3) For the purpose of registration under Section 8-A of the Act, for the year 1953-54, the application for registration shall be submitted not later than the 15th June 1954.*
- (4) Every non-resident dealer shall submit so as to reach the assessing authority on or before the 25th day of the month succeeding the quarter ending 30th June, 30th September, 31st December or 31st March, as the case may be, a return in Form A-3A showing the gross and net turnover for the preceding quarter. Along with the return, he shall send a crossed cheque, demand draft or crossed postal order in favour of the assessing authority for the full amount of the tax or taxes payable under sections 3, 5 or 8-B (2), or under any notification issued under section 6 (1). He shall also submit along with the return of the declaration/s from the purchaser/s prescribed under rule 13-B :*

Provided that the returns in Form A-3A for the quarter ending 30th June, 30th September and 31st December, 1953 with the tax or tax due shall be submitted on or before the 15th June 1954.

- (5) The return so submitted shall, subject to the provisions of sub-rule (6), be provisionally accepted.*
- (6) If no return is submitted in respect of any quarter before the 25th day of the month succeeding the quarter or if the return is submitted without a crossed cheque, demand draft or cross postall order for the full amount of tax or taxes payable or if the declaration/s from the purchaser/s prescribed under rule 13-B are not submitted or if the return submitted appears to be incorrect or incomplete, the assessing authority shall, after making such enquiry as he considers necessary and after giving the dealer an*

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opportunity or proving the correctness and completeness of his return, where one has been submitted, determine the turnover to the best of his judgment and provisionally assess the tax or taxes payable for the quarter and shall serve upon the non-resident dealer a notice in Form B-1 and the dealer shall pay the sum demanded at the time and in the manner specified in the notice.

- (7) After the close of the year in which the provisional assessment as laid down in sub-rule (6) has been made, the assessing authority shall, after such scrutiny of the accounts and after such enquiry as he considers necessary, satisfy himself that the returns filed are correct and complete and finally assess under a single order, on the basis of the returns, the tax or taxes payable for the preceding year under any of the sections 3, 5 or 8-B (2) or under any notifications issued under Section 6 (1) :

Provided that if no return or returns have been submitted by the dealer as required by sub-rule (4) or if any return or returns submitted by him appear to the assessing authority to be incorrect or incomplete the assessing authority shall issue a notice to the dealer calling upon him to produce his accounts and prove the correctness and completeness of his return at a time and place to be specified in the notice and thereafter determine the turnover to the best of his judgment and finally assess under a single order the tax or taxes payable for the preceding year under sections 3, 5 or 8-B (2) or under any notifications issued under section 6 (1).

- (8) If the final assessment made under sub-rule (7) is greater than the provisional assessment made under sub-rule (5) or (6), the assessing authority shall serve upon the dealer a notice in Form 'B' and the dealer shall pay the sum demanded at the time and in the manner specified in the notice. If the final assessment is lower than the provisional assessment, he shall serve upon the dealer a notice in Form 'C'."

"13-B. Every dealer in this State who buys goods from any non-resident dealer for the purpose of consumption shall furnish in quadruplicate a declaration in Form A-10 in respect of each such purchase, retain one copy of such declaration and send within seven days of acceptance of the purchase one copy to the assessing authority having jurisdiction over the place of business of the dealer and the remaining two copies to the non-resident seller." ;

[Sri M. A. Manickavelu Naicker] [17th May 1954]

(4) for Form A, the following form shall be substituted,
namely :—

" FORM A.

Return of turnover.

[See rule 11 (1).]

To

The Assessing Authority.

Sir,

I/We furnish below a statement showing my/our turnover for the year ending the
31st March 19 :—

(1) Name(s) and postal address(es) of dealer(s).	(2) Place or places of business.	(3) Nature of business (nature of goods bought or sold).	(4) Rate or rates at which he collected the tax or taxes.	(5) Amount of gross turn over.	(6-a) Turnover and description of each class of goods exempted from tax.	(6 a-1) Turnover and description of goods bought from non-resident dealers.
(6 a-2) Turnover and description of goods sold to non- resident dealers and actually delivered out- side the State.		[6 (b)] Turnover and description of goods in respect of which a rebate of one- half of the tax levied is allowed under section 7.	(7) Discount allowed.	(8) Amount refunded in res- pect of articles returned by customers.	(9) Turnover of accommoda- tion sales.	(10) Net turnover liable to tax.
						(11) Amount actually collected by way of tax or taxes.

Declaration.

I/We declare that to the best of my/our knowledge and belief the information furnished
in the above statement is true and complete and that it relates to the year ending the
31st March 19 .

Place

Date

Signature of dealer(s).

NOTE.—(1) Give the turnover of the immediately preceding financial year.

(2) In column (2), note the addresses of the headquarters and all the branches
of the business to which the return relates.(3) The turnover of each class of goods for which exemption is claimed should be
specified separately in column [6 (a)].(4) The transactions in different kinds of goods subject to different rates of tax
under the Act should be shown in different lines. The totals of the vertical columns
should be shown in the last line.(5) The names and addresses of non-resident dealers to be specified separately
in columns [6 (a-1)] and [6 (a-2)].":

17th May 1954] [Sri M. A. Manickavelu Naicker]

(5) for Form A-3, the following form shall be substituted,
namely :—

“ FORM A-3.

Return of turnover.

[See rule 13 (2).]

To

The Assessing Authority.

Sir,

I/We furnish below a statement showing my/our turnover for the month of—

Statement.

Name(s) and postal address(es) of dealer(s).	Place or places of business.	Nature of business (nature of goods bought or sold).	Rate or rates at which he collected the tax or taxes.	Amount of gross turnover.	Turnover and description of each class of goods exempt from the tax.	Turnover and description of goods bought from non-resident dealers.
(1)	(2)	(3)	(4)	(5)	(6-a)	(6-a-1)
Turnover and description of goods sold to non-resident dealers and actually delivered outside the State.	Turnover and description of goods in respect of which a rebate of one half of the tax levied is allowed under section 7.	Discount allowed.	Amount refunded in respect of articles returned by customers.	Turnover of accommodation sales.	Net turnover liable to the tax.	Amount actually collected by way of tax or taxes.
(6-a-2)	(6-b)	(7)	(8)	(9)	(10)	(11)

Declaration.

I/We declare that to the best of my/our knowledge and belief the information furnished in the above statement is true and complete and that it relates to the month of ____.

Place

Date

Signature of dealer(s).

NOTE.—(1) In column (2) note the addresses of the headquarters and of all the branches of business to which the return relates.

(2) The turnover of each class of goods for which exemption is claimed should be specified separately in column (6-a).

(3) The transactions in different kinds of goods subject to different rates of tax under the Act should be shown in different lines. The totals of vertical columns should be shown in the last line.

(4) The names and addresses of non-resident dealers to be specified separately in column [6 (a-1)] and [6 (a-2)].”

[Sri M. A. Manickavelu Naicker] [17th May 1954]

(6) after Form A-3, the following shall be inserted as Form A-3A, namely :—

“ FORM A-3A.

Return of turnover.

[See rule 13-A (4).]

To

The Assessing Authority.

Sir,

I/We furnish below a statement showing my/our turnover for the quarter ending —.

Statement.

- Column 1. Name(s) and postal address(es) of dealer(s).
 „ 2. Place or places of business.
 „ 3. Nature of business (nature of goods bought or sold).
 „ 4. Rate or rates at which he collected the tax or taxes.
 „ 5. Amount of gross turnover.
 „ 6-a. Turnover and description of each class of goods exempt from tax.
 „ 6-b. Turnover and description of each class of goods sold through agents.
 „ 7. Discount allowed.
 „ 8. Amount refunded in respect of articles returned by customers.
 „ 9. Turnover of accommodation sales.
 „ 10. Net turnover liable to tax.
 „ 11. Amount actually collected by way of tax or taxes.
 „ 12. S. No.(s) and date(s) of declarations obtained from the purchaser(s).
 „ 13. Remarks.

Declaration.

I/We declare that to the best of my/our knowledge and belief the information furnished in the above statement is true and complete and that it relates to the quarter ending

Place

Date

Signature of dealer(s).

NOTE.—(1) In column (2) note the addresses of the headquarters and of all the branches of the business to which the return relates.

(2) The turnover of each class of goods for which exemption is claimed should be specified separately in column (6-a).

(3) The transactions in different kinds of goods subject to different rates of tax under the Act should be shown in different lines. The totals of vertical columns should be shown in the last line.

(4) A crossed cheque, demand draft or a crossed postal order for the amount drawn in favour of the assessing authority should accompany this form.

(5) Copies of declarations obtained from the purchasers should accompany this form.”;

(7) in Form A-6, items 3 and 4 shall be renumbered as items 4 and 5 respectively and after item 2, the following shall be inserted as item 3, namely :—

“ 3. (a) I/We purchase goods from dealers in the States mentioned below :—

(b) I/We sell goods to dealers in the States mentioned below :—

(8) in Form A-7, items 3 and 4 shall be renumbered as items 4 and 5 respectively and after item 2, the following shall be inserted as item 3, namely :—

“ 3. (a) I/We purchase goods from dealers in the States mentioned below :—

(b) I/We shall sell goods to dealers in the States mentioned below :—

17th May 1954] [Sri M. A. Manickavelu Naicker]

(9) after Form A-9, the following shall be inserted as Form A-10 :—

“ Form A (10).

(See rule 13-B.)

GOVERNMENT OF MADRAS.

(To be used at the time of making purchases from sellers outside the State.)

Issued to holder of Registration Certificate No. , Book No.
Serial No. , to

Certified that the goods , dated , ordered for in our purchase order
No. , purchased from you as per
bill/cash memo. stated below * supplied under your chalan No. ,
dated are for

* resale

use in manufacture of goods for sale

use in the execution of contracts

packing of goods for resale

and are covered by my/our registration certificate No. , dated
Tax Act. , issued to me/us under section 8-A (1) of the Madras General Sales

* Particulars of Bill/Cash memo.

Date.

No.

Amount
RS. A. P.

(Name of the purchasing
dealer in full.)

(Signature and status of the person signing
the declaration.)

Date.

* Strike out whichever is not applicable.

N.B.—This declaration is to be signed by the proprietor of the business, if an individual; by a partner in the case of partnership firm; by a director or a Secretary in the case of limited company; or by an employee duly authorized in writing by one of the foregoing.”

(10) in Forms B and C, in the heading, for the brackets, words and figures “ [See rules 12, 13 (7) and 15 (6) ”, the brackets, words and figures “ [See rules 12, 13 (7), 13-A (8) and 15 (6)] ” shall be substituted;

(11) (i) in Form B-1 in the heading for the brackets, words and figures “ [See rules 13 (4) and 15 (4)] ”, the brackets, words and figures “ [See rules 13 (4), 13-A (6) and 15 (4)] ” shall be substituted;

(ii) in Forms B, B-1 and B-2, after the words “ by remittance into the Government treasury at . . . or ” the following shall be substituted, namely :—

“ by demand draft or crossed postal order . . . or.”

“ Sir, in moving the motion, I may make the following statement :—

‘ Except amendment No. 2 inserting new sub-rule (9-A) in rule 5-A requiring that a registered dealer who changes his place of business shall intimate the fact to the registering authority within thirty days of such change and get his certificate of registration duly amended, the other amendments relate to inter-State transactions.

[Sri M. A. Manickavelu Naicker] [17th May 1954]

In its judgment, dated 1st April 1953, in "*State of Bombay versus United Motors (India), Limited*," the Supreme Court has held that, in respect of inter-State transactions, only the State where the goods are delivered and consumed will be competent to levy sales tax. This judgment has brought certain categories of inter-State transactions within the taxing powers of State Governments. The question how the hardship and inconvenience likely to be caused to the trades by such taxation could be alleviated was discussed by a Committee of officials representing the Central and State Governments. Pending a permanent solution to the problem, the Committee suggested certain interim arrangements. This Government generally accepted these arrangements. They also decided to levy sales tax on inter-State transactions with retrospective effect from 1st April 1953, the date of the Supreme Court judgment. Draft amendments Nos. (1) and (3) to (11) are intended to give effect to these decisions.

Amendment No. 1.—This amendment seeks to insert two new provisos to rule 5-A, requiring non-resident dealers, i.e., dealers residing outside the State (1) to present applications for registration for the year 1953-54 not later than 15th June 1954 and (2) in case they are already registered, to furnish, not later than 15th June 1954, information regarding the States from which goods have been purchased and the States to which goods have been sold, and thereafter to send a report to the registering authority about purchases or sales from States not already specified within 30 days of such purchases or sales.

Amendment No. 3.—This amendment seeks to insert new rules 13-A and 13-B; Rule 13-A makes rules 6 to 13 inapplicable to non-resident dealers and also provides, among other administrative matters, that the aggregate turnover of all the sales of a non-resident dealer within this State shall be his turnover for the purpose of the Turnover and Assessment Rules, that every non-resident dealer shall submit a return every quarter showing the gross and net turnover for the preceding quarter, that along with each quarterly return he shall send a crossed cheque, demand draft or crossed postal order in favour of the assessing authority for the full amount of the tax due and that he shall submit the returns for the quarters ending 30th June 1953, 30th September 1953 and 31st December 1953, with the tax due, on or before 15th June 1954. Rule 13-B provides that every dealer in this State, who buys goods from any non-resident dealer for the purpose of consumption, shall furnish a declaration, in quadruplicate, containing a description of the goods purchased and what is intended to be done with them.

Amendments Nos. 4 and 5.—These amendments seeks to substitute new Forms A and A-3, for the existing ones, as a consequence of the levy of sales tax on inter-State transactions.

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Amendments Nos. 6 and 9.—These amendments seek to insert new Forms A-3 A and A-10, as a consequence of the levy of sales tax on inter-State transactions.

Amendments Nos. 7, 8, 10 and 11.—These amendments seek to introduce certain modifications to Forms A-6, A-7, B, B-1, B-2 and C as a consequence of the levy of sales tax on inter-State transactions.

“Sir, the amendments have already been circulated.”

MR. SPEAKER:—“There are amendments to the Government Motion. Let the hon. Member Sri Palanisami move his amendments.”

SRI N. K. PALANISAMI:—“Sir, I move—

‘that in paragraph (4), in the *Proviso*, for the words “for the quarter ending 30th June . . . 1954”; substitute the words “shall be submitted at the end of every year” and

‘that in paragraph (6), after the words “specified in the notice” occurring at the end of the paragraph, add the words “and if the name of the non-resident dealer proved to be false, the resident is not responsible, hence no action will be taken against the resident dealer”.’”

SRI S. RAMALINGAM:—“I second the amendments, Sir.”

MR. SPEAKER:—“The motion and the amendments are before the House for discussion.”

SRI N. K. PALANISAMI:—“கனம் சபாநாயகர் அவர்களே, இப் 9-20 பொழுது கொண்டுவரப்பட்டுள்ள மசோதாவானது சிறிய குழந்தைகள் மனதைக் குழப்பிக் கொண்டிருப்பதைப்போல் ஒரு குழப்பமான நிலையில் கொண்டுவரப்பட்டுள்ளது.” a.m.

MR. SPEAKER:—“Order, order! There is too much noise in the House.”

SRI N. K. PALANISAMI:—“கடந்த ஒரு வருஷகாலமாக இது விஷயமாக பத்திரிகையில் அடிக்கடி சர்ச்சை நடந்திருக்கிறது. முன்பு இங்கிருந்து வெளி மாகாணத்திற்கு அனுப்பக்கூடிய பொருள்களுக்கு எந்த விதமான வரியும் கிடையாது. 1950-ஆம் வருஷத்தில் இந்தச் சட்டம் வந்ததற்குப் பிறகு கூட இம்மாதிரியான வரி வரங்கிக்கொண்டுதான் இருந்தார்கள். போன வருஷத்தில் பம்பாயில் எலக்டிரிக் மோட்டார்கள் வாங்கப்பட்டு வெளி மாகாணங்களுக்கும், நம் மாகாணத்திற்கும் பார்சலாக அனுப்ப ஏற்பாடு செய்யப்பட்டபோது நம் மாகாண சர்க்கார், அவ்வாறு பார்சல்கள் வரி இல்லாமல் வரக்கூடாது என்று உத்திரவு போடுவதற்கு முன்பாகவே டைல் செய்து அதன்பயனாக ஒரு பெரிய குழப்பம் ஏற்பட்டது. சென்ற நவம்பரில் இதற்கு என்ன வழிவகை செய்வது என்ற முறையில் யோசிப்பதற்காக நிதி மந்திரிகள் மகாநாடு நடந்தது. துரதிஷ்டவசமாக மந்திரிகள் அங்கு சென்று எந்தெந்த முறையில் என்னென்ன நடவடிக்கைகள் எடுத்தார்கள் என்பது இதுவரையிலும் நமக்குத் தெரியாது. ஆனால் அதைப்பற்றி தெரியவேண்டிய அவசியம் நமக்கிருக்கிறது. அவர்கள் இதைச்சொல்ல கடமைப்பட்டிருந்தாலும் இன்னின்ன நடவடிக்கைகள் எடுத்தார்கள் என்பதைப்பற்றி இதுவரையிலும் நமக்கு எந்தவிதமான தகவலும் கொடுக்கா

[Sri N. K. Palanisami]

[17th May 1954]

திருப்பது வருந்ததக்க விஷயமேயாகும். மேலும் நமது மாகாணமானது பற்றுக்குறைப் பிரதேசம். நம் மாகாணத்திலிருந்து வெளி மாகாணங்களுக்கு அனுப்பும் பொருள்கள் பெரும்பாலும் நிலக்கடலையும், கடலை எண்ணெயுமேயாகும். நம் தேசத்திலிருந்து வெளி மாகாணங்களுக்கு ஓரளவு ஏற்று மதியாகும் பொருள்கள் வெங்காயமும், மிளகாயும், ஆனால் யந்திரங்கள் போன்ற பொருள்கள் வெளியூர்களிலிருந்தும், பம்பாய் மாகாணத்திலிருந்தும் வாங்கிக் கொண்டிருக்கிறோம். அம்மாதிரி வாங்கிக் கொண்டிருப்பதால்தான் நம் மாகாணம் இம்மாதிரி பற்றுக்குறைப் பொருளாதாரத்தில் கஷ்டப்படுகிறது. ஆகவேதான் பல வரிகள் போடவேண்டுமென்ற நிர்ப்பந்தம் ஏற்படுகிறது. அதுமட்டும் அல்ல ; வெளி மாகாணங்களுக்கும் நம் மாகாணத்திற்கும் இடையே நடக்கும் வியாபாரமுறையிலும் ஒரு பெரிய மந்தம் ஏற்பட்டிருக்கிறது. மேலும் மற்ற மாகாணங்களிலும் வியாபாரிகள் ஒழுங்காக நடத்துக்கொள்வதில்லை. அதனால் இங்கு இருக்கக்கூடிய வியாபாரிகள் பல தவறான முறைகளைக் கையாள சந்தர்ப்பம் ஏற்படுகிறது. இன்று நம் நாட்டில் வியாபாரம் கேள்வியில்லாத முறையில் பல விதத்திலும் நடைபெறுகிறது. அவைகள் யார் பேரிலோ, போலிப் பேர்களை வைத்துக்கொண்டு பல பேர் வியாபாரம் நடத்துகிறார்கள். இம்மாதிரி அநேக வியாபாரிகள் சர்க்காருக்குத் தெரியாமலேயே வியாபாரம் நடத்திக் கொண்டிருப்பது சர்க்காருக்கு நன்றாகத் தெரியும். ஆகையால்தான் இம்மாதிரியான பல பொருள்களுக்கு வரி வசூலிக்கப்பாத நிலைமை ஏற்படுகிறது. மேலும் இங்கு ராயபுரத்தை எடுத்துக்கொண்டால் அங்குள்ள ரேவு கிடங்குக்கு நூற்றுக் கணக்கான பார்சல்கள் வருகின்றன. அதிலே எவ்வளவுக்கு வரி வசூலிக்கப்படுகிறது என்று சர்க்காருக்கு நன்றாகத் தெரியும். 500 பார்சல் வந்தால் 50-க்கு கணக்கு காட்டுவது கூட கடினம். மேலும் 1950 வருஷத்தில் 5 லட்சம் டன் சர்க்கரை வந்ததற்கு சர்க்கார் எத்தனை வரி வசூல் செய்திருக்கிறார்கள் என்பதை அறிய விரும்புகிறேன். ஆகவே நம் மாகாணத்தில் அதற்கு வேண்டிய உண்மையான சோதனை செய்து வரிவிதிக்கப்படுவதில்லை. இதிலிருந்து என்ன தெரிகின்றது என்றால் நம் மாகாணத்திலே பெரிய வியாபாரிகளிடமிருந்து சரியான முறையிலே வரி வாங்கக்கூடிய நிலைமையில் இன்று சர்க்கார் இல்லை என்பது புலப்படுகிறது. சிறு வியாபாரிகள் தான் இந்தவரி கொடுக்க வேண்டுமென்று நிர்ப்பந்திக்கப்படுகிறது. இந்நிலையில் இன்னொரு மாகாணத்திலிருந்து வரும் வியாபாரப் பொருள்களுக்கு வரி விதிக்கப்படவேண்டிய நிர்ப்பந்தம் எப்படி செய்ய முடியும் ? மேலும் அங்கு இருக்கக் கூடிய வியாபாரிதான் பல பிரதேசங்களுக்கு சாமான்கள் அனுப்பப்படுகிறது என்று register செய்துகொள்ளவேண்டும். அப்படிப் பதிவு செய்துவிட்டால் இந்தச் சர்க்கார் என்ன நடவடிக்கை எடுக்கும் என்று சொல்லமுடியாது. சாதாரணமாக நம் மாகாணத்திலே வரி ஒழுங்காக வசூல் செய்ய முடியவில்லை. 7, 8 தரம் போட்டாலும் கூட பிரயோஜனப்படுவதில்லை, வசூல் செய்ய முடியவில்லை. நமது மாகாணத்திற்கு Sales Tax ரொம்ப முக்கியமானது. அதிலே சட்டங்கள் மிகவும் முற்போக்கானது என்றும் சொல்லலாம். அந்தமாதிரி போருவதில் இவ்வளவு கஷ்டமான முறைகிடையாது. அப்படி இருக்கக்கூடிய வரியையும் கொடுக்காவிட்டால் D.C.T.O., A.C.T.O., நடவடிக்கையால் அப்பலேட்டிருபுனல் வரைக்கும் போகவேண்டியிருக்கிறது. அம்மாதிரி அப்பலேட்டிருபுனல் உத்தரவு கொடுத்தே இம்மாதிரியான நிலைமை ஏற்பட்டிருக்கிறது. ஆகையாலே அம்மாதிரியான கணக்குகளை யெல்லாம் அதிகாரிகள் சரியானபடி கவனிக்கவேண்டும். வியாபாரிகள் பல கணக்குப் புஸ்தகங்களை வைத்துக்கொண்டு சர்க்காரை ஏமாற்றுகிறார்கள். அதற்கெல்லாம் சர்க்கார் உடனடியாக நடவடிக்கை எடுக்கவேண்டும்.

“ஒரு மாகாணத்திலிருந்து மற்றொரு மாகாணத்திற்கு சாமான்கள் கொண்டுபோவதாக இருந்தால் அதிகாரிகளின் சம்மதத்தின் பேரில் வியாபாரிகள் அனுப்பவேண்டும்.” அம்மாதிரி அனுப்பும்போது ஒழுங்காக கணக்குவைத்துக் கொள்ளவேண்டும். மேலும் இம்மாதிரி பல சந்தர்ப்பங்களில் வியாபாரிகள் கூரி கொடுப்பதில் அங்கு இருக்கக் கூடிய non-dealer-க்கு நம்பிக்கை இருக்காது. ஏனென்றால் ஒரு மாகாணத்தில்

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இருக்கக்கூடிய வியாபாரிக்கு மற்றொரு மாகாணத்தில் இருக்கக்கூடிய வியாபாரியின் பேரில் அவ்வளவாக நம்பிக்கையிருக்காது. இம்மாதிரியான நிலைமையில் ஏஜண்டுகளை வைத்துக்கொள்ளுகிறார்கள். அவ்வாறு 10 ஆயிரம் ரூபாய்க்கு சரக்கு அனுப்பினால் அங்குள்ள ஏஜண்டு கமிஷனும் கொடுத்துவிட்டு அவனுக்கு அதில் ஒரு பெரும் தொகையையும் செலவுபிக்க வேண்டியிருக்கிறது. பின்னர் அதற்கும் கணக்குகள் வேறு வைத்துக் கொள்ளவேண்டியிருக்கிறது. ஆகவே இம்மாதிரியான கஷ்டங்கள் எல்லாம் இருப்பதால் நேரடியாகக் கொண்டுவந்தால் வரி கொடுக்க வேண்டியவராது என்பதற்காக எந்த மாகாணத்திலிருந்து பொருள்கள் வரவேண்டுமோ அவைகளை இரண்டு மூன்று லாரிகளில் ஏற்றிக்கொண்டு வந்துவிடுவார்கள். இவ்விதமாக வரி கொக்காமல் தட்டிக் கழித்துவிடுகிறார்கள்.

“ஆகவே அதைத்தான் இன்றைக்கு வியாபாரிகள் சொல்லுகிறார்கள். இந்திய அரசியல் சட்டப்படி இதைச் சர்க்கார் வாபஸ் வாங்க வேண்டுமென்பது அவர்கள் வேண்டுகோள். உயர் நீதி மன்றமும் இதைத்தான் ஊர்ஜிதம் செய்திருக்கிறது.

“மத்திய அரசாங்கம் வேறு சில வரி விதிக்கிறது. அதில் நம் சர்க்காருக்கும் வருஷா வருஷம் கொஞ்சம் பங்கு வேண்டுமென்று ஒரு சாரர் விரும்புகிறார்கள். சமீபத்தில், அதாவது நவம்பர் மாதத்தில் நடந்த நிதி மந்திரிகள் மகாநாட்டிற்குச் சென்ற நம் ராஜ்ய நிதி மந்திரி அவர்களும் அதனையே வற்புறுத்தியதாக அறிகிறோம்.

“பொதுவாக பம்பாய், கல்கத்தா போன்ற நகரங்களிலுள்ளவர்கள் இதனை ஒப்புக்கொள்ள மறுக்கிறார்கள். அவர்கள்தான் அதிகமாகப் பாதிக்கப்படுகிறார்கள். இம்மாதிரி வரி போடுவது நியாயமும் ஆகாது. கிராமங்களில் இருக்கக்கூடிய வியாபாரிகளில் பெரும்பாலோர் இதனால் பாதிக்கப்படுவார்கள். இம்மாதிரியாகச் சட்டம் கொண்டு வந்தாலும் அதை நடைமுறையில் சரியாக அமுல் நடத்த முடியாது. ஆகவே சர்க்கார் இதனைக் கைவிட்டால் கூடத் தேவையென்று நான் கேட்டுக்கொண்டு முடித்துக் கொள்ளுகிறேன்.”

* THE HON. SRI M. A. MANICKAVELU NAICKER:—
“The other day, Sir, when the Bill for amending the provision regarding turnover was under discussion, hon. Members of the colour of the Member who just now spoke, swore by the judgment of the Supreme Court and asked, ‘why not give effect to it?’. What we propose to do now is to give effect to the judgment of the Supreme Court. We are regularising our action as per the judgment of the Supreme Court. We are doing nothing else. We are carrying out the judgment of the Supreme Court in its letter and spirit. It does not involve any administrative difficulty to do so and so we are making changes in the rules as well as in the forms.

“As regards the amendment of the hon. Member that it should be ‘end of the year’ and not ‘15th June’, I would like to submit that ordinarily returns have to be submitted on the 25th day succeeding every quarter. But here we are providing for quarters which are past, that is, quarters ending with June, September and December 1953. We are not dealing with the ordinary provision which requires returns to be submitted on the 25th day following the end of each quarter. Therefore, I cannot accept the amendment proposed by the hon. Member.”

[17th May 1954]

SRI N. K. PALANISAMI :—“நான் திருத்தம் கொடுத்ததற்கு முக்கியமான காரணம், ஒவ்வொன்றுக்கும் கணக்கு வைத்துக்கொண்டு அதை அவர்கள் மாகாண சர்க்காருக்குச் சமர்ப்பிப்பது என்பது முடியாத காரியம். அதை நான் சொல்லுகிறபடி திருத்தினால் ரொம்பவும் செளகரியமாக இருக்குமென்றுதான் அந்தத் திருத்தத்தைக் கொடுத்தேன்.”

“இரண்டாவது திருத்தம் என்னவென்றால், . . .”

MR. SPEAKER :—“நீங்கள் முதலில் இரண்டு திருத்தங்களைப்பற்றியும் பேசவில்லையானால் இப்பொழுது இரண்டாவது திருத்தத்தைப் பற்றிப் பேசுங்கள்.”

SRI N. K. PALANISAMI :—“நான் இரண்டாவது திருத்தத்தைப் பற்றி பேசவில்லை. இரண்டாவது திருத்தத்தில் நான் என்ன சொல்லுகிறேன் என்றால் வெளி மாகாணத்து வியாபாரிகள் ஏதாவது குற்றம் செய்துவிட்டால் அதற்குப் பொறுப்பாளியாக நம் ராஜ்ய வியாபாரிகளை உட்படுத்தக்கூடாது என்பதுதான். ஏனென்றால் வெளி மாகாணத்து வியாபாரிகள் பல பல பெயர்களில் வியாபாரம் செய்ய வசதி ஏற்படுகிறது. தப்பித்துக் கொள்ளவும் செய்கிறார்கள். முக்கியமாக இந்தச் சர்க்காருக்கு இன்னொரு ராஜ்யத்திலிருக்கும் வியாபாரிகளிடமிருந்து வரி வசூல் பண்ண எந்த விதமான அதிகாரமும் கிடையாது. காரணம் சாமான்கள் ரயில் மூலம் போய்வந்துவிடுகிறது. பணமோ பாங்குகள் மூலம் ஒரு ராஜ்யத்திற்கும் இன்னொரு ராஜ்யத்திற்குமிடையே போய் வந்துவிடுகிறது. இது இரண்டும் மத்திய சர்க்காரின் அதிகாரத்தின் கீழ் உள்ளது. அப்படியிருப்பதன் காரணமாக அவர்கள் இந்த மாகாண சர்க்காரின் வரி விதிப்பிலிருந்து தப்பித்துக்கொள்ள முடிகிறது. ஆகவே அதற்குப் பொறுப்பாளியாக இந்த மாகாணத்து வியாபாரிகளை ஆக்கக்கூடாது என்பதே என் திருத்தத்தின் நோக்கமாகும். இதைச் சர்க்கார் ஒப்புக்கொள்ள வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.”

SRI S. RAMALINGAM :—“இந்தத் திருத்தம் கெஜெட்டில் பிரசுரமான பிறகு, இதற்கு ஏதாவது ஆட்சேபங்களோ, யோசனைகளோ பொது மக்களிடமிருந்தும், வியாபாரிகளிடமிருந்தும் சர்க்காருக்கு வந்திருக்கிறதா? அப்படியானால் அவைகள் என்னென்னவென்று சர்க்காரைக் கேட்டுக் கொள்ளுகிறேன்.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“Sir, I am not in a position to say whether any memoranda were received by the Government. If any memoranda had been received, I am sure, they would have been carefully gone into by the Department and it is only as a result of such careful examination that the amendment has been made. I oppose the amendment and submit that if a non-resident dealer for some reason or other is not liable to pay then the person who is liable to pay under the rules should be made to pay the tax. What is the difficulty here? I do not know why the hon. Member wants to amend this provision.”

MR. SPEAKER :—“Does the hon. Member press his amendments?”

SRI N. K. PALANISAMI :—“Yes, Sir.”

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MR. SPEAKER :—" The question is—

9-20
a.m.

' In paragraph (4), in the proviso, *for* the words " for the quarter ending 30th June . . . 1954 " *substitute* the words " shall be submitted at the end of every year " . ' "

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' In paragraph (6), *after* the words " specified in the notice " occurring at the end of the paragraph, *add* the words " and if the name of the non-resident dealer proved to be false the resident is not responsible; hence no action will be taken against the resident dealer " . ' "

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' That the following draft amendments to the Madras General Sales Tax (Turnover and Assessment) Rules, 1939 (published with Revenue Department Notification No. 818, dated the 12th September 1939, at pages 1-5 of the Extraordinary issue of the *Fort St. George Gazette*, dated the 15th September 1939, as subsequently amended), which it is proposed to make in exercise of the powers conferred by section 3, sub-sections (4) and (5), of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), be approved.

All the amendments, except amendment (2) relating to insertion of sub-rule (9-A) in rule 5-A, shall be deemed to have come into force on the 1st April 1953.

DRAFT AMENDMENTS.

In the said rules—

(1) in sub-rule (1) of rule 5-A, after the first proviso, the following provisos shall be added, namely :—

" Provided also that in the case of a non-resident dealer such application for the year 1953-54 shall be made not later than the 15th June 1954 :

Provided further that dealers already registered shall, for the year 1953-54, furnish to the concerned registering authority not later than the 15th June 1954, the following information, namely :—

(a) the States from which goods have been purchased, and (b) the States to which goods have been sold;

and thereafter send a report to the registering authority about purchases or sales from States not already specified, within thirty days of such purchases or sales." ;

[Mr. Speaker]

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(2) In rule 5-A of the Madras General Sales Tax (Turnover and Assessment) Rules, 1939, after sub-rule (9), the following shall be inserted as sub-rule (9-A), namely :—

“(9-A) When a registered dealer changes any place of his business, he shall intimate the fact to the registering authority within thirty days of such change and get his certificate of registration duly amended.”;

(3) after rule 13, the following shall be inserted as rules 13-A and 13-B, namely :—

“13-A. In the case of a dealer residing outside the State (hereinafter referred to as a non-resident dealer) the provisions of these rules shall apply subject to the following modifications and additions, namely :—

(1) Rules 6 to 13 shall not apply to non-resident dealers but the provisions of the following sub-rules shall apply.

(2) For the purpose of these rules, the aggregate turnover of all the sales within this State shall be the turnover of the business of the non-resident dealer.

(3) For the purpose of registration under section 8-A of the Act, for the year 1953-54, the application for registration shall be submitted not later than the 15th June 1954.

(4) Every non-resident dealer shall submit so as to reach the assessing authority on or before the 25th day of the month succeeding the quarter ending 30th June, 30th September, 31st December or 31st March, as the case may be, a return in Form A-3A showing the gross and net turnover for the preceding quarter. Along with the return, he shall send a crossed cheque, demand draft or crossed postal order in favour of the assessing authority for the full amount of the tax or taxes payable under sections 3, 5 or 8-B (2) or under any notification issued under section 6 (1). He shall also submit along with the return the declaration/s from the purchaser/s prescribed under rule 13-B :

Provided that the returns in Form A-3A for the quarter ending 30th June, 30th September and 31st December 1953 with the tax or taxes due shall be submitted on or before the 15th June 1954.

(5) The return so submitted shall, subject to the provisions of sub-rule (6), be provisionally accepted.

(6) If no return is submitted in respect of any quarter before the 25th day of the month succeeding the quarter or if the return is submitted without a crossed cheque, demand draft or crossed postal order for the full amount of tax or taxes payable or if the declaration/s from the purchaser/s prescribed under rule 13-B are not submitted or if the return submitted appears to be incorrect or incomplete, the assessing authority shall, after making such enquiry as he considers necessary and after giving the dealer an opportunity of proving the correctness and completeness of his

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return, where one has been submitted, determine the turnover to the best of his judgment and provisionally assess the tax or taxes payable for the quarter and shall serve upon the non-resident dealer a notice in Form B-1 and the dealer shall pay the sum demanded at the time and in the manner specified in the notice.

(7) After the close of the year in which the provisional assessment as laid down in sub-rule (6) has been made, the assessing authority shall, after such scrutiny of the accounts and after such enquiry as he considers necessary, satisfy himself that the returns filed are correct and complete and finally assess under a single order, on the basis of the returns, the tax or taxes payable for the preceding year under any of the sections 3, 5 or 8-B (2) or under any notifications issued under section 6 (1) :

Provided that if no return or returns have been submitted by the dealer as required by sub-rule (4) or if any return or returns submitted by him appear to the assessing authority to be incorrect or incomplete, the assessing authority shall issue a notice to the dealer calling upon him to produce his accounts and prove the correctness and completeness of his return at a time and place to be specified in the notice and thereafter determine the turnover to the best of his judgment and finally assess under a single order the tax or taxes payable for the preceding year under sections 3, 5 or 8-B (2) or under any notifications issued under section 6 (1).

(8) If the final assessment made under sub-rule (7) is greater than the provisional assessment made under sub-rule (5) or (6), the assessing authority shall serve upon the dealer a notice in Form 'B' and the dealer shall pay the sum demanded at the time and in the manner specified in the notice. If the final assessment is lower than the provisional assessment, he shall serve upon the dealer a notice in Form 'C'."

" 13-B. Every dealer in this State who buys goods from any non-resident dealer for the purpose of consumption shall furnish in quadruplicate a declaration in Form A-10 in respect of each such purchase, retain one copy of such declaration and send within seven days of acceptance of the purchase one copy to the assessing authority having jurisdiction over the place of business of the dealer and the remaining two copies to the non-resident seller."

[Mr. Speaker]

[17th May 1954]

(4) for Form A, the following form shall be substituted, namely :—

“ FORM A.*Return of turnover.*

[See rule 11 (1).]

To

The Assessing Authority.

Sir,

I/We furnish below a statement showing my/our turnover for the year ending the 31st March 19 :—

Statement.

(1) Name(s) and postal address(es) of dealer(s).	(2) Place or places of business.	(3) Nature of business (nature of goods bought or sold).	(4) Rate or rates at which the tax or taxes collected.	(5) Amount of gross turnover.	[6 (a)] Turnover and description of each class of goods exempted from tax.	[6 (a-1)] Turnover and description of goods bought from non-resident dealers.
[6 (a-2)] Turnover and description of goods sold to non-resident dealers and actually delivered outside the State.	[6 (b)] Turnover and description of goods in respect of which a rebate of one-half of the tax levied is allowed under section 7.	(7) Discount allowed.	(8) Amount refunded in respect of articles returned by customers.	(9) Turnover of accommodation sales.	(10) Net turnover liable to tax	(11) Amount actually collected by way of tax or taxes.

Declaration.

I/We declare that to the best of my/our knowledge and belief the information furnished in the above statement is true and complete and that it relates to the year ending the 31st March 19 .

Place

Date

Signature of dealer(s).

NOTE.—(1) Give the turnover of the immediately preceding financial year.

(2) In column (2), note the addresses of the headquarters and all the branches of the business to which the return relates.

(3) The turnover of each class of goods for which exemption is claimed should be specified separately in column [6 (a)].

(4) The transactions in different kinds of goods subject to different rates of tax under the Act should be shown in different lines. The totals of the vertical columns should be shown in the last line.

(5) The names and addresses of non-resident dealers to be specified separately in columns [6 (a-1)] and [6 (a-2)].”;

17th May 1954]

[Mr. Speaker]

(5) for Form A-3, the following form shall be substituted, namely :—

" FORM A-3.

Return of turnover.

[See rule 13 (2).]

To

The Assessing Authority.

Sir,

I/We furnish below a statement showing my/our turnover for the month of —

Statement.

Name(s) and postal address(es) of dealer(s).	Place or places of business.	Nature of business (nature of goods bought or sold).	Rate or rates at which the tax or taxes collected.	Amount of gross turnover.	Turnover and description of each class of goods exempt from the tax.	Turnover and description of goods bought from non-resident dealers.
(1)	(2)	(3)	(4)	(5)	(6-a)	[(6-a-1)]
Turnover and description of goods sold to non-resident dealers and actually delivered outside the State.	Turnover and description of goods in respect of which a rebate of one half of the tax levied is allowed under section 7.	Discount allowed.	Amount refunded in respect of articles returned by customers.	Turnover of accommodation sales.	Net turnover liable to the tax.	Amount actually collected by way of tax or taxes.
[(6-a-2)]	(6-b)	(7)	(8)	[(9)]	(10)	(11)

Declaration.

I/We declare that to the best of my/our knowledge and belief the information furnished in the above statement is true and complete and that it relates to the month of —.

Place

Date

Signature of dealer(s).

NOTE.—(1) In column (2) note the addresses of the headquarters and of all the branches of business to which the return relates.

(2) The turnover of each class of goods for which exemption is claimed should be specified separately in column (6-a).

(3) The transactions in different kinds of goods subject to different rates of tax under the Act should be shown in different lines. The totals of vertical columns should be shown in the last line.

(4) The names and addresses of non-resident dealers to be specified separately in column [6 (a-1)] and [6 (a-2)]."

[Mr. Speaker]

[17th May 1954]

(6) after Form A-3, the following shall be inserted as Form A-3A, namely :—

“ FORM A-3A.

Return of turnover.

[See rule 13-A (4).]

To

The Assessing Authority.

Sir,

I/We furnish below a statement showing my/our turnover for the quarter ending —.

Statement.

- | | |
|-----------|--|
| Column 1. | Name(s) and postal address(es) of dealer(s). |
| „ 2. | Place or places of business. |
| Column 3. | Nature of business (nature of goods bought or sold). |
| „ 4. | Rate or rates at which he collected the tax or taxes. |
| „ 5. | Amount of gross turnover. |
| „ 6-a. | Turnover and description of each class of goods exempt from tax. |
| „ 6-b. | Turnover and description of each class of goods sold through agents. |
| „ 7. | Discount allowed. |
| „ 8. | Amount refunded in respect of articles returned by customers. |
| „ 9. | Turnover of accommodation sales. |
| „ 10. | Net turnover liable to tax. |
| „ 11. | Amount actually collected by way of tax or taxes. |
| „ 12. | S. No. (s) and date(s) of declarations obtained from the purchaser(s). |
| „ 13. | Remarks. |

Declaration.

I/We declare that to the best of my/our knowledge and belief the information furnished in the above statement is true and complete and that it relates to the quarter ending.....

Place

Date

Signature of dealer(s).

NOTE.—(1) In column (2), note the addresses of the headquarters and of all the branches of the business to which the return relates.

(2) The turnover of each class of goods for which exemption is claimed should be specified separately in column (6-a).

(3) The transactions in different kinds of goods subject to different rates of tax under the Act should be shown in different lines. The totals of vertical columns should be shown in the last line.

(4) A crossed cheque, demand draft or a crossed postal order for the amount drawn in favour of the assessing authority should accompany this form.

(5) Copies of declarations obtained from the purchasers should accompany this form.”;

17th May 1954]

[Mr. Speaker]

(7) in Form A-6, items 3 and 4 shall be renumbered as items 4 and 5 respectively and after item 2, the following shall be inserted as item 3, namely :—

“ 3. (a) I/We purchase goods from dealers in the States mentioned below :—

.....

(b) I/We sell goods to dealers in the States mentioned below :—

.....”;

(8) in Form A-7, items 3 and 4 shall be renumbered as items 4 and 5 respectively and after item 2, the following shall be inserted as item 3, namely :—

“ 3. (a) I/We purchase goods from dealers in the States mentioned below :—

.....

(b) I/We shall sell goods to dealers in the States mentioned below :—

.....”;

(9) after Form A-9, the following shall be inserted as Form A-10 :—

“ FORM A (10).

(See rule 13-B.)

GOVERNMENT OF MADRAS.

(To be used at the time of making purchases from sellers outside the State.)

Issued to holder of Registration Certificate No. , Book No. ,
Serial No. , to

Certified that the goods *ordered for in our purchase*
order No. , dated , *purchased from you as per*
bill/cash memo. stated below * *supplied under your chalan No.*
dated *are for*

* resale

use in manufacture of goods for sale

use in the execution of contracts

packing of goods for resale

and are covered by my/our registration certificate No. , dated
, issued to me/us under section 8-A (1) of the Madras General
Sales Tax Act.

* Particulars of Bill/Cash memo.

Date

No.

Amount.
RS. A. P.

(Name of the purchasing
dealer in full)

(Signature and status of the person signing
the declaration)

Date:

* Strike out whichever is not applicable.

N.B.—This declaration is to be signed by the proprietor of the business, if an individual; by a partner in the case of partnership firm; by a director or a Secretary in the case of limited company; or by an employee duly authorized in writing by one of the foregoing.”

[Mr. Speaker]

[17th May 1954]

(10) in Forms B and C, in the heading, for the brackets, words, and figures “ [See rules 12, 13 (7) and 15 (6)] the brackets, words and figures “ [See rules 12, 13 (7), 13-A (8) and 15 (6)] ” shall be substituted;

(11) (i) in Form B-1 in the heading for the brackets, words and figures “ [See rules 13 (4) and 15 (4)] ”, the brackets, words and figures “ [See rules 13 (4), 13-A (6) and 15 (4)] ” shall be substituted;

(ii) in Forms B, B-1 and B-2, after the words “ by remittance into the Government treasury at . . . or ” the following shall be substituted, namely :—

‘ by demand draft or crossed postal order . . . or ’.”

The motion was put and carried.

(1) MOTION UNDER RULE 22 (3) OF THE ASSEMBLY RULES *re* CHANGE IN THE ORDER OF BUSINESS OF THE HOUSE—*cont.*

* THE HON. SRI C. SUBRAMANIAM :—“ Sir, I move—

‘ That under Rule 22 (3) of the Assembly Rules, the order of business be changed and that the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1954, be taken up first ’.”

MR. SPEAKER :—“ The question is—

‘ That under Rule 22 (3) of the Assembly Rules, the order of business be changed and that the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1954, be taken up first. ’”

The motion was put and carried.

VI.—GOVERNMENT BILLS.

(1) THE MADRAS PAYMENT OF SALARIES AND REMOVAL OF DISQUALIFICATIONS (AMENDMENT) BILL, 1954.

* THE HON. SRI C. SUBRAMANIAM :—“ Sir, I beg to introduce the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill ^a, 1954 and move—

‘ That the Bill be taken into consideration at once. ’

This is a simple Bill seeking to amend section 11 of the Madras Payment of Salaries and Removal of Disqualifications Act, 1951, so as to remove the disqualification for being chosen as Members of the State Legislature in respect of persons enrolled in the Territorial Army or the National Cadet Corps. The Government of India have raised this point that it is rather doubtful whether this would stand in the way of legislators participating in the activities of the Territorial Army or the National Cadet Corps.

17th May 1954] [Sri C. Subramaniam]

“The Act is being amended in order to remove this doubt and there can be no possible objection to this Bill.” 9-40 a.m.

SRI M. KALYANASUNDRAM :—“கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவுக்கு ஆட்சேபணை ஒன்றும் இருக்கமுடியாது. இதே மாதிரியான ஜனநாயக உரிமையைத்தான் நாங்கள், ராணுவத்திலிருக்கக் கூடிய சிப்பந்திகளுக்கும் அரசாங்க சிப்பந்திகளுக்கும் கொடுக்கவேண்டுமென்று சொல்லுகிறோம். இந்த நாட்டில் பிறந்த ஒவ்வொரு பிரஜைக்கும், நாட்டு மக்களின் நலனுக்காக உழைக்க வசதியும் சட்டசபை தேர்தலுக்கு நிற்கக்கூடிய உரிமையும், இருக்கவேண்டுமென்பது எங்கள் நோக்கம். எங்கள் அடிப்படையான நோக்கமே இதுவாகையால், இந்த மசோதாவை ஆட்சேபிப்பதற்கு நாங்கள் தயாராக இல்லை.”

MR. SPEAKER :—“The question is—

‘That the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1954, be taken into consideration at once.’”

The motion was put and carried.

Clauses 2, 1 and the Preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM :—“I move—

‘That the Bill be passed into law.’”

MR. SPEAKER :—“The question is—

‘That the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1954, be passed into law.’”

The motion was put and carried and the Bill was passed into law.

(2) THE MADRAS COURT-FEES AND SUITS VALUATION BILL, 1954.

THE HON. SRI C. SUBRAMANIAM :—“Sir, I beg to introduce the Madras Court-fees and Suits Valuation Bill^a, 1954, and move—

‘That the Bill be referred to a Select Committee consisting of the following members :—

The Hon. Sri M. A. Manickavelu Naicker.

Sri K. P. Kuttikrishnan Nair.

„ K. Parthasarathy.

„ K. Venkataramana Gowda.

„ N. Gopala Menon.

„ P. Selvaraj.

„ B. Vaikunta Baliga.

„ V. R. Nagarajan.

„ Kunhi Mohamed Shafee.

„ M. Narayana Kurup.

^a Published in the Fort St. George Gazette, dated 6th May 1954.

[Sri C. Subramaniam] [17th May 1954]

Sri S. Ramalingam.,, *P. K. Gopalakrishnan.*,, *P. Rangaswami Reddier.*,, *E. L. Raghava Mudaliar.**and the Mover (the Hon. Sri C. Subramaniam).*

" The Court Fees Act was enacted more than 80 years ago. Except for piecemeal amendments to the Act made by the Government of India and the various State Governments to suit the exigencies of the occasion or to increase revenue, the Act has not been amended to keep pace with the changes made in other enactments like the Civil Procedure Code, 1908, or to suit modern conditions. The application of the old rules to altered facts and the extension of the rules to cover new cases have resulted in a jumble of statutory and case law which, at many points, is indefensible on principle and is a source of all-round inconvenience. The Suits Valuation Act, 1887 (Central Act VII of 1887) makes its own contribution to the incongruities with which this branch of the law abounds. Rationalization of the law relating to Court-fees and suits valuation has, for the last 20 years, been regarded as an urgent measure of judicial reform. In 1938, this Government appointed the late Sri Satyamurthi of the Madras High Court on special duty to submit his recommendations for a complete revision of the Court Fees Act. He submitted his report in 1939. It was examined in the Secretariat in consultation with the High Court and the Board of Revenue. Legislation could not however be undertaken as war broke out. The whole question was re-examined by the Special Officer who was appointed for the purpose and the orders of Government taken on the various proposals made. A tentative draft Bill was prepared and referred to the High Court, the Board of Revenue and the Advocate-General for remarks. Rules relating to court-fees and rules relating to valuation of suits are so interconnected that it has been found expedient to have both sets of rules enacted as parts of a single Act. It is intended to replace the existing Court Fees Act, 1870, and the Suits Valuation Act, 1887, in their applicability to this State. The important provisions made in the Bill are—

(1) At present the Court Fees Act, 1870, does not apply to cases coming before the High Court in the exercise of its Original Side Jurisdiction and to appeals from the Original Side except to the extent specified in section 3. The court fee leviable in such cases is determined under the High Court Fees Rules. The High Court has already amended the High Court Fees Rules, 1933, applying the provisions of the Court Fees Act to the Original Side of the High Court and to appeals therefrom. The Bill gives effect only to what the High Court has already done.

(2) Detailed provisions have been made in Chapter III of the Bill for the ascertainment and levy of proper fee so that the fee leviable in a suit is not made to depend on the party's cleverness in manipulating allegations or finding adroit language for relief.

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(3) Chapter IV of the Bill prescribes the method of computation of fees. Different types of suits are dealt with independently in separate clauses and situations which are likely to arise in each class of suits in relation to the different claims that might be made in such suits are dealt with separately in sub-clauses. Payment of court-fee is made obligatory not merely by the plaintiff who institutes the suit but also by every defendant who seeks and obtains affirmative relief. In partition suits every defendant who asks for a determination of his share on a final decree for such share will have to pay court-fee. Similar provisions have also been made in respect of partnership suits, administration suits and the like. In prescribing rates of fee, care is taken to see that mere alterations in language of allegations or relief do not result in any difference in the rate of fee payable. Specific provisions have also been made for the levy of fees in suits relating to trust property, third-party proceedings, inter-pleader suits and in suits under the Madras Survey and Boundaries Act, 1923. Fee is made payable in appeals on the same principles as in suits.

(4) In respect of suits for the possession of immovable property the Court Fees Act lays down different criteria for different kinds of property. While in the case of a building or garden, fee is computed on the market value of the house or garden, in the case of land the computation of fee is on a multiple of the assessment. The method of valuation prescribed on a multiple of assessment dates back to the time when such valuation was a fair approximation to the market value of the land. The market value of land has gone up tremendously in recent years. The arbitrary provisions in section 7 (v) have resulted in the *reductio ad absurdum* that a suit for a part of a field may pay a higher court-fee and require to be tried by a court of higher jurisdiction than a suit for the whole. In addition, the varying ratios of value of land to assessment make the fees arbitrary and uneven, while suits for land, though they are generally more hotly contested than suits for money or movables, pay a lower court-fee than the latter do. The market value of land has therefore been adopted as the basis for computation of court-fees.

(5) Under paragraph (iv) of section 7 of the Court Fees Act, plaintiffs are authorized to value suits of various classes according to their discretion, and this discretion has been widely abused. Courts seem to be powerless to compel a plaintiff to revise an unreasonably low valuation and pay the proper court-fee. Similarly Articles 17-A and 17-B of Schedule II to the Court Fees Act provide for a fixed fee for a variety of suits, some of which, e.g., adoption suits, suits for a declaration of title to property and administration suits, are clearly capable of valuation. These anomalies have been removed and *ad valorem* fee is made payable in such suits.

(6) Chapter V of the Bill provides for the valuation of suits. At present the valuation of suits is governed by the provisions of

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the Suits Valuation Act, 1887, section 14 of the Madras Civil Courts' Act, 1873 and section 13 of the Madras City Civil Court Act, 1892. The Suits Valuation Act has been responsible for a number of anomalies and incongruities. The detailed provisions made in Chapter V of the Bill have been so framed as to give finality to litigation on any subject-matter. The decision of suits of larger value by courts of limited jurisdiction is avoided by prescribing that the value of a suit in a case would be the value of the entire property in partition suits, partnership suits, administration suits and the like. It has also been made obligatory on the court to determine issues regarding court-fee and valuation before proceeding to frame issues on the merits of the claim.

(7) The provisions in Chapter III-A of the Court Fees Act, 1870, dealing with court-fees payable on probates and letters of administration were introduced piecemeal and as such there is a certain amount of overlapping of provisions. This chapter has been entirely redrafted.

(8) The provisions relating to refund have been liberalised by enabling the refund of half the court-fee to be made in a case where a suit is settled before issues are framed or evidence is recorded on the merits of the claim. This is a concession which at present is enjoyed only by litigants in Madras City.

(9) At present a fee of $7\frac{1}{2}$ per cent is levied in the case of suits of a small cause nature if the value is below Rs. 500 and in small cause suits if the value exceeds Rs. 500 and at the rate of $11\frac{1}{4}$ per cent in original suits up to Rs. 1,000 in value. In original suits above Rs. 1,000 in value, the *ad valorem* fee leviable is $11\frac{1}{4}$ per cent on the first 1,000 rupees and on a regressive scale ranging from $7\frac{1}{2}$ per cent to 0.6 per cent on the remaining amount. A large majority of suits in Munsifs' courts are suits for money and a large majority of those suits are for the recovery of debts. The issues arising in a suit on a promissory note and in a suit for the recovery of debt by sale of mortgaged property may be of the same kind; and where the money is not paid, attachment and sale of property in execution of the decree on the promissory note might be more protracted than the sale of the property in enforcement of the mortgage decree. While in the former case a person pays a fee computed at $7\frac{1}{2}$ per cent, in the latter case the fee payable is $11\frac{1}{4}$ per cent. The disparity in fee cannot be justified. Further, as suits against debtors are instituted because of their inability to pay, it seems a hardship to add to their already heavy liability a large sum by way of court-fee. On the other hand, there does not appear to be any justification for levying a lower rate of fee in respect of litigation above Rs. 5,000 in value. The Bill therefore provides for the levy of *ad valorem* fee at a uniform rate of $7\frac{1}{2}$ per cent. The advantage of having a flat rate is that the poorer classes of litigants would be benefited considerably while the richer classes who are let off lightly now will pay more.

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“ In this connection, I wish to pay my tribute to my predecessor in office Sri K. P. Kuttikrishnan Nair who has taken great pains in finalising the draft of this Bill. I desire that the Select Committee will go through the various provisions very carefully and submit its report before long so that it may be considered at the next sitting. Therefore, I move that the Bill may be referred to a Select Committee consisting of the persons whose names I have already mentioned.”

9-50
a.m.

MR. SPEAKER :—“ Motion moved—

‘ That the Madras Court-fees and Suits Valuation Bill, 1954, be referred to a Select Committee.’ ”

SRI M. NARAYANA KURUP :—“ Sir, I move—

‘ That the Madras Court-fees and Suits Valuation Bill, 1954, be circulated for eliciting public opinion.’ ”

The motion was duly seconded.

MR. SPEAKER :—“ The motion as well as the amendment is before the House for discussion.”

* SRI M. NARAYANA KURUP :—“ Sir, it has been stated in the statement of objects and reasons and also repeated by the Hon. Minister who introduced this Bill that it is a judicial reform which was in contemplation of the Government for the last 20 years. It has been also stated that the object of the Bill is to make its provisions uniform, logical and coherent. I submit, Sir, though the subject-matter of the Bill has been under examination for the last 20 years, this is a very poor specimen and if it is passed as it is brought today it will not justify the objective that is mentioned in the statement of objects and reasons. Sir, we agree that the Court-fees and Suits Valuation Acts contain more anomalies than any other enactments now existing. But substituting one anomaly for another is not doing away with anomalies.

“ Sir, we used to praise the judicial system which we have inherited from the British. But some of its important weaknesses are lost sight of. The most important thing is that litigation as it is today has become the luxury of the rich and it is the longest purse that ultimately wins the race. Therefore, when we want to remove the anomalies of the existing system, it should be one of our prime considerations that justice is made available to the average man and that it is not made too costly. I must confess, Sir, on reading through the Bill I see that it does not partake of any thing of a judicial reform, but Government think of it purely as a taxation measure. That is one of the fundamental objections to the Bill. The judicial system as it is obtainable today is highly technical, involved and complicated so that the average man is unable to get justice, unless he is prepared to spend large sums of money on that score.

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(At this stage Sri A. Ramaswamy Tevar occupied the Chair.)

" Then the Hon. Minister said that adroit language should not be utilised to deprive the Government of legitimate fees on plaint. Sir, the principle that has been accepted for long is that *prima facie* allegations in the plaint determine the court-fee. That does not mean that courts were powerless. It was always open to the court to look into the substance of the allegation and levy court-fee according to that and the courts have been doing so. Now what has been done is this: Even now, adroit language has a bearing on court-fees, with this difference that it is on the adroitness of the defendant. In many of the clauses that are now included in the Bill the court-fee is to be determined on issues framed in the suit. We know issues arise from pleadings and it is up to any defendant to raise untenable pleas to bring a suit on title or on lease of immovable property and the defendant may deliberately deny the plaintiff's title in which case the plaintiff has to pay court-fees based on title. Even in respect of recovery of documents a person may steal away a valuable document from me and when I sue for the recovery of the document, it will be open to him to say that I have no right to the money that is secured by the document and I am asked to pay court-fee *ad valorem* as is mentioned in this Bill. Therefore, what the Government has now done is only to shift the use of adroit language to the defendant and in that way ask the plaintiff to pay excessive court-fee, irrespective of any other consideration. I would submit, Sir, the old principle should continue and the courts levied as a matter of fact court-fees in spite of the fact that the particular plaint was clothed in any particular language.

" Then, another important matter which I would refer to is the change in the nature of the market value of the property. We know, Sir, that people when they want to institute a suit must have some idea of the court-fee that they will have to pay. Now, if the definition of calculation of market value as is prescribed in this Bill is to be accepted, no man can say definitely or even vaguely what the court-fee that he will be liable to pay is. Because, when a plaint is presented the Ministerial Officer will be entitled to say that it is not the correct court-fee and that it will have to be determined before a plaint is taken on file. We know, Sir, that in some suits it is not the ultimate relief that is granted which is more important, but there are interim reliefs which, if denied, may defeat the very purpose of the suit. Then again, Sir, in every suit a Commissioner will go to investigate and to assess the market value of the property. We know what room for abuse will it give if the calculation of the market value is made dependant in every case on the assessment of the Officer and the Commissioner who are to fix it. Then, Sir, it was said that according to the previous Bill the calculation as assessed was 10 times the revenue and in other cases it was done according to the

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market value of the building or unassessed lands. The Hon. Minister pointed out an anomaly that if a portion of a survey number was involved, they will have to pay the market value and not 10 times the revenue which may sometimes be higher than the whole revenue for the entire survey number. It can easily be remedied by the Government by bringing forward a proper amendment to remove that difficulty. Now a grēater defect is noticed with all the attendant uncertainties and hardship to the litigant public. There must be some definiteness *prima facie* as to how the market value of the property involved in a suit has to be calculated.

“ It is good that the dispute regarding court-fees is settled before the final trial of the suit. But what we find is to the contrary. A dispute regarding this issue, after being settled in one way in the Lower Court is taken in first and even second appeal to the higher courts and even to the High Court. The High Court may perhaps set at rest the valuation of court-fee. The court-fee examiners of the High Court may upset all the decisions of the judicial bodies and the High Court and courts will be called upon to review the whole matter once again. I submit that it is an unwarranted and unjust procedure.

“ The Hon. Minister said that the court-fee payable on suits must have some relationship to the time taken, the principle involved and the importance of the case. With reference to another issue, he said that it must be on the face value or money value. The distinction in the scale of court-fee with respect to small causes and original suits was a well-thought-out distinction, because the relief which one may get in a mortgage or promissory suit worth Rs. 100 is not the same. We know in suits relating to promissory notes and small causes, we get only summary relief, and two, three or even a dozen cases are disposed of daily. But, in a mortgage suit, the party's title to the property, his right to mortgage the property and so many other complicated issues come up before the Court. He has got a right of appeal and second appeal also. Therefore, it is but just that for those who go to court for summary relief, which is not the same as that in the original suits, a smaller fee must be levied.

“ I have already referred to the court-fee payable on the recovery of documents. I submit that the provision relating to this matter requires a radical change. What we are doing is not deciding any claim with respect to immovable properties or other things. The section as it stands lends support to anomalies and untenable pleas to be put in by the defendant, and the plaintiff is asked to pay court-fees which he is not likely to recover from the defendant. In the Statement of Objects and Reasons, it has been said that on disputes of equal value the parties should pay equal court-fee. I would submit that that principle has not been observed in drafting the Bill. Take for instance adoption cases.

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In respect of these cases, half the market value of the property is to be paid. I submit that what is decided there is only the status of the man and not that of the properties that are to be enjoyed by him. Therefore the payment on half the market value as court-fee is very excessive. Take for instance disputes between trustees, managers, etc., of a particular endowment. They are definitely disputes relating to properties which they have to manage. In these cases, I think the court-fee payable is one-fifth of the value of the disputed property. I do not see how it is logical. In respect of adoption cases, they say half the market value of the property should be paid as court-fee and in respect of other cases they say that one-fifth of the value of the disputed properties has to be paid as court-fee.

“ Then, with regard to scheme suits under section 92 of the Civil Procedure Code, we have to pay only the maximum fee of Rs. 50. Even in the case of managers, the maximum is only Rs. 200. The idea or principle enunciated that on disputes of equal value they should pay equally in the matter of court-fees has not been followed in the sections that have been incorporated in the Bill.

“ There are a number of other provisions by which the court-fee payable has been increased to a very large extent. In most of the cases we have to pay a minimum court-fee of Rs. 37-8-0, as Rs. 500 has been fixed as the minimum. If a document worth Rs. 25 is taken away from me and if I have to get it back through a Civil Court, I have to pay a court-fee of Rs. 37-8-0. I think this is not correct. By carefully reading all these provisions contained in the Bill we come to the irresistible conclusion that the Government have treated this as a taxation measure and are trying to get as much revenue as possible from this measure.

(The Deputy Speaker occupied the Chair at this stage.)

“ The Hon. Minister said that it has been considered for a long time and it was referred to the High Court and also to the Board of Revenue. But I believe that those are not the only persons who are concerned with this Bill. The litigant public, the Bar Association and the courts are legitimately entitled to express their opinion on the measure which of course is conceded to be a very important measure and also a very complicated measure that requires expert advice and scrutiny. In respect of similar important measures like the revisions of the Criminal Procedure Code and the Company Law, those Bills were published six months before the Bills were actually introduced in Parliament. Some more time was taken by the Select Committees to consider those Bills. As a result of all these, it was possible for the public to make representations. There is no urgency about this Bill. It has waited for 80 years or so. Nothing will be lost by circulating this Bill to elicit public opinion. Persons interested—judicial officers, Bar Associations and lawyers—From their

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practical experience will, I believe, be able to contribute valuable suggestions in the matter of improving this Bill. Therefore, I submit that full opportunity must be given to them. With these words, I request the Government to accept the amendment that I have moved for circulating this Bill to elicit public opinion."

* SRI P. RANGASWAMI REDDIAR :—" Mr. Deputy Speaker, Sir, the objects and aims of the Bill are not either to minimise expenditure on litigation or to help *bona fide* litigants who go to courts of Law for obtaining justice, but it is only a detailed draft making provisions in the Court Fees Act and Suits Valuation Act under one and the same statute and the same time the drafting has been aimed at to get the maximum revenue from the litigant public, so far the State is concerned. I am told in certain countries—I think it is in the United Kingdom—invariably all civil causes are charged with the institution fee of 30 shillings only to begin with and when the cause is filed, the fee payable is only 30 shillings; afterwards according to the nature of the work and the time taken by the courts, fees are charged and collected for each suit. I am wondering whether such a method cannot be adopted in enacting this Court Fees Act, so that people who take more time in courts may be taxed more than people who take lesser time. It cannot always be said that the time taken by the courts is commensurate with the value of the suits. For instance, if a suit on a promissory note is filed or a suit upon a mortgage is filed for Rs. 3,000 or Rs. 10,000 and if the defendant does not come forward and contest, then the suit is proceeded *ex parte* and if the defendant admits the claim then the time taken by the court would be only a few months in disposing of the suit. On the other hand, in a suit filed on a promissory note, if the defendant comes forward and contends that it is a forged promissory note and the promissory note be sent to experts, at times one expert and at others two or three experts, then the time taken by the court would be more than two or three days or even more. In such cases, it cannot be said that a nominal court-fee is sufficient. More fees may be charged. It would also incidentally be helping people by indirectly preventing them from putting forward undesirable and unfounded defences. These things may be taken into consideration by the Select Committee and if possible, a comprehensive Bill, that is, a Bill to charge nominal fees only at the time of institution and subsequently to collect fees according to the time taken and the nature of work involved in the suit, may be brought forward.

10-10
a.m.

" There are certain exemptions mentioned in the Bill. For instance, so far as 'refund on settlement before hearing' is concerned, it is not happily worded. Supposing, in a suit, the parties put forward a draft compromise and the compromise is recorded, even in such cases court-fees should be refunded. It should be made clear without giving further scope for interpreting it in all sorts of ways, so that there may be less strain upon this section.

[Sri P. Rangaswami Reddiar] [17th May 1954]

" So far as the valuation of immovable properties is concerned, hitherto the practice was that immovable properties were valued under the Court Fees Act at 10 times the kist payable on the said properties. For an acre where the kist is Rs. 7-4-0 or Rs. 7-14-0 the market value was about Rs. 3,000 or so previously. The kist was fixed at the time of settlement on the basis of half-the net-income principle. The Hon. Minister for Revenue introducing the Bill said that circumstances have changed and the market values have gone high and therefore necessarily, the court-fees also should be revised. But according to the present Bill, for properties worth Rs. 3,000, hitherto the court-fee payable was below Rs. 10 or Rs. 11. Hereafter, it would be Rs. 225 and this increased burden can only fall on the litigant public. I think there should be change in court-fees only on higher values.

" So far as the jurisdiction fee is concerned, in the cases of partition suit hitherto the jurisdiction value was fixed with reference to the share of the plaintiff. Now it is provided irrespective of the value of the share of the plaintiff. This would work great hardship on the public. For instance, the lawyer's fees are paid upon the jurisdiction value. If a member of a joint family has an interest, say, one-sixteenth share of properties worth Rs. 45,000 then hitherto, the valuation was fixed at one-sixteenth of fourty-five thousands for the purpose of lawyer's fees also. This valuation is taken away under the new Bill, and only Rs. 45,000 should be the value that should be given to the plaint, that is, under the changed Bill, the plaintiff will have to pay as lawyer's fee on Rs. 45,000 instead of on about Rs. 3,000 or less than that. This would not only be a hardship in the first instance to the plaintiff, but subsequently to the defendant also who has to pay costs including lawyer's fees in case the suit is decreed. Therefore, the provisions that existed till now may be incorporated in this Bill also, as there cannot be any necessity for this change.

" So far as documents and other movables are concerned, if a sale deed or any other deed is lost and a suit is to be filed to recover these documents, it is absurd to say that the market value of the property comprised in the deed should be fixed or the amount mentioned in the document should be fixed for the purpose of valuation of the suit. Because no value attaches to the document itself that is to be recovered and it has only a title value it should be classified in the list of movable properties and there should be only a nominal fee charged for it.

" Lastly cases are decided *ex parte* and cases are also decided when the opposing party comes forward to the court and confesses to the claim. In such cases, I think the time involved in court is very little and also the amount of work done by the court is very small. Therefore, in such cases, as in cases of fees chargeable by the legal practitioners under the Legal Practitioners Rules, the court-fees should be fixed at some scale for *ex parte*

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suits and some scale for suits decided on admission by the defendants. For, it would really help *bona fide* litigants. For instance, if a person is really unable to pay the amount due on a pro-note executed by him and if a suit is filed in a Court of Law, at the most he would require some time to repay the debt. In such cases, that is, if the case is decided on confession that he has to pay and he is ready to pay, but that he wants some time, it would not be proper to tax him the maximum court fees. Therefore, concession should be given to him especially in view of the fact that the court has no work to do and the court's time is not taken.

“ All these things may be taken into consideration and the Court Fees Act may be drafted after thorough examination having the one salient point in mind, that the *bona fide* litigant public should not be made to feel that litigation is a costly affair, that people should not be made to feel that going to Courts of Law is really a punishment and that people should not be threatened like this. On the other hand the State should be enthusiastic to render justice to the people. After all, for people, Courts of Law are the last resort and they go there to get justice and in the administration of justice, the State should not aim to get the maximum revenues from the people who go there, but the State should have it in view that it is their duty to help persons who have real grievances and cause to go to Courts, and enable them to get justice with the minimum of inconvenience and minimum of expenses.”

* SRI S. VENKATRAMA AYYAR :—“ Mr. Deputy 10-20
Speaker, Sir, this Bill which is sought to be placed on the Statute a.m.
Book certainly deserves our support and I must congratulate the Government on bringing forward this measure. After nearly 80 years of the framing of the two Acts, the Court Fees Act (Act VII of 1870) and the Suits Valuation Act of 1887, this amending Bill has come. Both these Acts in their practical working have given rise to a number of conflicting decisions involving of course hardship in several cases. There are certain salutary provisions in favour of the suitors and there are also provisions which are against the interests of persons who go to courts. At any rate, it will produce this salutary effect, viz., that an attempt is made to consolidate both the Acts for certain purposes in respect of suits mentioned in the Court Fees Act of 1870 with reference to section 7, paragraphs 5 and 6 and paragraph 40, etc. We have to follow the provisions of the Suits Valuation Act with reference to *ad valorem* fee as provided in the Court Fees Act and the former Act, as is said in the Statement of objects and Reasons thus makes its own contribution to the incongruities with which this law abounds. We are now attempting to consolidate all the provisions relating to the fixing of court-fees, whether the cases are of the class mentioned in clause 7 of the Bill or otherwise. What is the present position with regard to suits filed in inam, zamin and ryotwari areas? As one having practical experience of what obtains in these areas in the Pattukkottai taluk of Tanjore district,

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I would like to point out that so far as the ryotwari tenure is concerned, we have been paying for suits for injunction—if it is a full survey number—half of ten times the revenue assessment by way of court-fee. If it is a portion of the survey number, we are asked to pay a fee calculated with reference to the full market value of the land. This is anomalous. When we are asked to pay only half of ten times the assessment in respect of full survey numbers, it does not stand to reason if we are asked to take into consideration the entire market value in respect of parts of survey numbers, full fee in the case of possession suits and half for injunctions. To that extent the position is, as I have already said, anomalous. But now we are asked to take into consideration the full market value of the land, whether it is part of a survey number or otherwise and whether it is for possession or injunction. As compared with the original position, this is not a welcome provision.

“ With reference to inam and zamin villages, we were paying at the rate of fifteen times the mesne profits. After the Zamindari Abolition came into force (Act XXVI of 1948), we are asked in some courts under section 23 of the Act to take into consideration provisional assessment as the basis, and in some other courts, the market value. The survey and settlement work is not yet over. Settlement is to be effected and after it is effected the final ryotwari assessment will be known. When we take into consideration the provisional revenue as fixed under section 23, it is really better than the basis of market value.

“ Then, with reference to private lands, we have a recent decision of the High Court that the assessment as levied under section 23 (b) of the Abolition Act on private lands is not tenable and legal and so void. There is discrimination here. When we follow the principle, viz., fifteen times the mesne profits in respect of inam and zamin villages, this Bill says that the market value of the private land should be taken into consideration. This anomaly should be corrected.

“ As regards partition suits, as was observed by an hon. Member on the other side, if the plaintiff's share is less than Rs. 3,000 the suit should be instituted in the munsif's court and the fee for this purpose is Rs. 15. But if it is more than Rs. 3,000, he has to go to the sub-court or the district court. This is under the existing law. If in a case where the plaintiff claims a share of Rs. 3,000 in an estate worth Rs. 21,000 and if the shares of the other two persons are Rs. 6,000 and Rs. 12,000 and are not separated, the suit has to be instituted in a sub-court or a district court and the decision by the munsif is not binding here. The present Bill makes it compulsory for all such cases to be instituted in a sub-court or district court even though the value of the share of the plaintiff might be Rs. 3,000 or less. This is a salutary provision.

“ Then, Sir, consistent with the policy of taxing rich people, Government have provided for a uniform rate of levy of $7\frac{1}{2}$ per cent. We do not make any distinction here between rich people

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and the poor. This relief will produce a good psychological effect on the suitors, whether the property is worth Rs. 500 and whether it is mortgage or promissory note that is the subject-matter of the suit. So far as the middle-class people are concerned, this is certainly a great relief. But when we come to certain other provisions we find certain provisions which will work hardship on the suitors. I have referred to a few of these already. There is a provision in the Bill, clause 25 (b), which says that in a suit for possession of documents of title where the plaintiff's title to the money or the property secured by the document is not denied, fee shall be computed on the amount at which the relief sought is valued in the plaint or on Rs. 500, whichever is higher. On the face of it, it looks as though the Government want to make some revenue out of this provision when they fix this higher denomination. If they had said fee should be computed on the amount at which relief sought was valued, it would be good to that extent. But when they fix Rs. 500 and say 'whichever is higher' it is a thing to be strongly objected to. I would submit that the Government may be pleased to say 'on the amount at which relief sought is valued or Rs. 500 whichever is less'. That will be a sort of relief to the person who goes to court. Our object should not be to get some revenue by prescribing this rule when we attempt to consolidate both the Acts and remove some anomalies. I would request that the Select Committee which will go into this Bill will thoroughly examine all the special provisions bearing in mind that it should serve as a sort of relief and not as a taxing burden on persons who go to court whether they are poor or rich or belong to the middle class. Litigation must not be made more costly. We must give some relief to people who *bona fide* go to courts."

* SRI T. C. NARAYANAN NAMBIAR :—“ Mr. Deputy 10 30
Speaker, Sir, I know the Hon. Minister for Finance will be a.m.
surprised when a layman like me, a poor elementary school teacher, speaks on a Bill to amend and consolidate the law relating to court-fees and valuation of suits. In this connection the first thing that I have to express is that the laws and rules in our country are so complicated and ununderstandable that the ordinary man-in-the-street cannot understand them. It is a well-known fact that nearly 80 to 90 per cent of the people of our country are illiterate. The laws are so ununderstandable and litigation is so costly that poor people cannot get justice under this 'democratic rule'. In Malabar there is the saying 'just like the French punishment'. It is said that in French courts the accused as well as the plaintiff used to be fined, with the result that litigation was much less in French courts. If poor people are compelled to pay heavy court-fees, they may not go to courts and seek justice from the Judges. I request the Hon. Minister for Finance, who is also the Minister for Law, to see that the Bills are framed in very simple language so that even an ordinary man can understand the Acts and argue his case himself in the court. I would invite the attention of the Hon. Minister to the fact that in the

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People's Democratic Republic of China after it attained independence, there are three great laws. One is with regard to trade union activities, the other is with regard to marriage and the third is with regard to agrarian reforms. The laws are so simple and understandable that even an ordinary peasant can understand them and argue his case himself in a court of law. When Britishers were ruling this country directly, we know that there were only a very few people who could understand the laws. It will be a great thing if we can get one vakil or advocate in one taluk or even in one district. Now we want the ordinary citizens to participate in the day-to-day deliberations of the State. It is the bounden duty of the State to see that the Acts are written in a simple way and the cost of litigation is kept very low. The valuation of suits has been so much enhanced in this Bill that an ordinary man will not be in a position to pay the heavy court-fee and go to court. I hope all these points will be discussed in the Select Committee properly.

“The hon. Member Sri M. Narayana Kurup has moved an amendment for circulating this Bill for eliciting public opinion. It is a sin of our Government that they have not given education to all the people in our State, and the people could not understand the laws of this country. If this Bill is circulated for eliciting public opinion, ordinary people will participate in the discussion, get some tuition or coaching from learned people and try to understand the Bill. Therefore, I support the amendment for circulating this Bill for eliciting public opinion.”

* DR. K. B. MENON :—“Sir, the Act that is before the House for amendment is a very old Act and needs careful going through. The amendments that are placed seem to indicate that the approach of the Government is to get more income to the Government; in other words, the Government approach this measure as a taxation measure. That approach is very unfortunate. That will be unfair to the poor litigant. Even as it is, justice is a matter of wits and wit is a matter of cost. A poor man is unable to pay and get justice in the courts. I submit that the effort of the Government should be to simplify the process of justice through decentralization or through some other measure and not to increase the expense of the litigant and thereby throw a weightage in favour of the rich. From that point of view, I feel that the approach is very unfair.

“My second submission is that the Act is a very old Act, perhaps half a century old, and that there is no urgency about a Bill to amend it. In this connection I must register the protest that the Opposition generally makes that sufficient time is not given to the Opposition for studying the legislative measures that are introduced. Even about the Madras Irrigation (Levy of Betterment Contribution) Bill that is coming up before the House to-morrow, there is no hurry. There is no reason why Members should not be given sufficient time to study the Bills and express opinion. As there is no urgency about the Bill under discussion,

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it is only right that the public are given an opportunity to express their opinion. I understood that the Select Committee that is to be appointed would meet very soon to discuss the Bill. If the Select Committee meets very soon to discuss the Bill, certainly the public will not have an opportunity to express their opinion. The Hon. Sri C. Subramaniam pointed out on the floor of this Assembly that there are Bar Associations, experienced litigants, and many among the public who are in a position to express opinion on the subject. I therefore suggest that, even if the Bill is referred to a Select Committee, sufficient time and opportunity should be given to the public to make their recommendations and suggestions to the Select Committee."

SRI E. L. RAGHAVA MUDALIAR :—" Mr. Deputy Speaker, Sir, I am quite sure that the Government will agree that this is a very important piece of legislation which they are bringing forward after nearly three quarters of a century after the previous Act. I find that the Hon. Finance Minister said in his Budget speech that he had tried to put it more on a logical basis than to earn any revenue, though it may yield a small revenue. But I find that the Bill now before us seems to have been brought forward with a view to getting more revenue. If my calculations are right, the Government must get nearly double the revenue that they are getting now, namely, Rs. 80 lakhs, I think. We have already charged that the Government is selling justice and not dispensing justice. It is said that on the face of it, it appears to be that they have given a concession. The concession they have given is that the court-fee on certain classes of suits have been reduced from $11\frac{1}{2}$ per cent to $7\frac{1}{2}$ per cent. But this concession applies only to suits between Rs. 500 and Rs. 1,000. In cases of suits up to Rs. 500 in certain classes there has already been the $7\frac{1}{2}$ per cent rule and only in certain classes of suits, they have been levying $11\frac{1}{2}$ per cent. Beyond Rs. 1,000 the existing rate is $7\frac{1}{2}$ per cent and beyond Rs. 5,000 they are getting $1\frac{1}{2}$ per cent more, I think. So, on the higher rates they have actually doubled the court-fee. 10-40 a.m.

" Apart from this *ad valorem* court-fee, there has been abnormal increase out of proportion and completely unrelated to the existing rates. With regard to possession of immovable property, hitherto the valuation has been at ten times the revenue payable on the land. Now, it has been stated that the suit must be valued on the actual market rate. This, apart from increasing the actual court-fee, will affect the jurisdiction of the courts also and the jurisdiction of the district munsifs' courts will be disturbed very much and the work in sub-courts will be increased very much. It will result in dislocation of work.

" As this Bill is to be referred to a Select Committee, I shall reserve my detailed remarks to a later stage. But I request the Government to see that the Select Committee is given sufficient time to study the various implications of this Bill, instead of

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rushing it through and making it another hasty piece of legislation. In view of the fact that the Government seem to be insisting on the Select Committee meeting at a very near date and finishing the work early, I support the amendment that the Bill be circulated to elicit public opinion."

SRI K. PARTHASARATHY :—" Mr. Deputy Speaker, Sir, I rise to congratulate the Hon. Minister on introducing the Bill. The litigant public, the lawyers and even judicial officers, have been expressing the feeling that the Court Fees Act and the Suits Valuation Act contain many anomalies and so, a thorough re-examination of the provisions of those two Acts are necessary and it had been found in experience that very many new anomalies were being brought into light every day. It was only recently that the anomaly that a suit for the recovery of the whole survey number was to be valued on a lesser amount and a suit for the recovery of a portion of the survey number had to be valued invariably at a higher amount and so, the litigant who claimed for recovery of the smaller area invariably paid higher court-fee and incidentally the matter also went to a higher tribunal, was pointed out. The Hon. the Finance Minister also pointed out this anomaly and there are ever so many other anomalies. In suits for restitution of conjugal rights as a matter of course, the plaintiff was at liberty to put his own valuation and only recently the High Court made a rule and fixed an arbitrary limit and it held that it should not be less than Rs. 200. Though many anomalies were pointed out, it was not possible to take action until now. So, it is a very needy reform and we are very glad that now our Hon. Finance Minister who is also the Law Minister has introduced this reform. There is no doubt when going through the provisions it will be found that there is an attempt at rationalisation of the court-fees in the State. The Hon. the Finance Minister said that an attempt is made to regulate the court-fees according to the time taken up by the Court and the importance bestowed on the case by the Judge. It is found that the rates fixed for suits of Small Cause nature and original suits involving recovery of money due on mortgage are the same. Some of the hon. Members pointed out that even though this is proposed to be a law reform, it is incidentally a taxation measure. But I can say that even though in effect it may be that it brings in additional revenue to the Government, there are some provisions which impose on the litigant public a lesser amount of tax. For example, if there is a suit for the recovery of Rs. 1,000 on a mortgage bond, we have to pay only a lesser court-fee. So, it cannot be said, that in all the provisions of the Bill before us the court-fee has been increased. In some cases the court-fee is raised and in some cases, it is reduced. But we will have to find out whether there is any rational principle involved in this. As regards the valuation of immovable property the principle adopted in the existing Act is that ten times the land revenue payable was deemed to be the market value. Now, in the proposed Bill it is found that the actual market value will be deemed to be the value for computing

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the court-fee and my first impression is that this is a matter involving hardship to the litigant public. There are many poor people who may find that the rich neighbour encroaches on his property and when he goes to the court, he may find that he will have to pay very high court-fee and it is possible that he will find it too expensive and he may not even choose to file a suit. There should be a distinction made between suits for the recovery of money and suits for the recovery of property. In suits for the recovery of money, there is the relationship between the parties to the suit which arises by contract, i.e., when they enter into a contract, they incidentally are aware that if there is a breach, they will go to court. When we are dealing with cases of trespass into property, there is no such relationship and a poor innocent party may find himself necessary to go to the Court to vindicate his right and get relief in the hands of the Court. So, I think the proposed provision may inflict hardship on poor litigants and it deserves consideration in the hands of the Select Committee.

“ In every such legislation even though we seek to take away the arbitrary manner in fixing the valuation for court-fees, ultimately we find that it will be necessary to provide for in some cases where arbitrary valuation is adopted. We find in this Bill that even though it attempts to do away with the arbitrary manner of fixing court-fees, in some provisions his arbitrary manner is adopted and I am sure in one instance at least it will inflict very much hardship on the litigant public.

“ With regard to the provisions in clause 32 relating to easement suits, it is said that the minimum value shall be deemed to be Rs. 500. For the ordinary agriculturists they are important suits. When the right to a well is in question or a right to take away water through the land, i.e., the right of channel is in question—they are all easement rights—if it is to be held that he must pay a court-fee of Rs. 500, I am sure it will be a hardship to him. After all the cost of sinking a well will only come to about Rs. 200 and if he has to file a suit for the declaration of his right, invariably he will have to pay on Rs. 500 as court-fee even if he has got only one-fourth or one-third right on the well. This will cause considerable hardship to him.

“ Sir, I do not wish to go into the details of the Bill. Even though there may be some good provisions in it, there are some provisions which may cause some hardship to the poor rural folk. 10 50 a.m.

“ I wholeheartedly welcome that provision in the Bill which provides for refund of court-fees in case there is a settlement between the parties in a suit. This is a very good provision. This has been talked about in the past few years and the lawyers will welcome this provision. It will give an incentive to the parties to compromise their cases even before the first hearing of the case is taken up. Generally speaking, I am sure that many of the provisions of the Bill will be welcomed. The Government have made a very good attempt in bringing forward this Bill. I

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congratulate the Hon. Minister who has moved the Bill and also the former Law Minister Sri Kuttikrishnan Nair who has also taken some pains in bringing the Bill."

SRI V. R. NAGARAJAN :—" Mr. Deputy Speaker, I would like to support the measure brought forward by the Government to amend and consolidate the law relating to court-fees and valuation of suits in the State of Madras. This measure is . . ."

SRI G. GOVINDAN :—" ஒரு தகவல் ; புத்தர் பிறந்த தினத்திற்கு மத்திய சர்க்காரில் விடுமுறை விட்டிருக்கிறார்கள். சென்னை சர்க்காரில் மட்டும் விடுமுறை விடாததற்கு காரணம் என்ன ? நமது சர்க்காருக்கும் மக்களுக்கும் புத்த பகவான் மேல் நம்பிக்கை இல்லை என்ற எண்ணமா ? அல்லது தமிழ் நாட்டில் புத்த மதத்தைச் சேர்ந்தவர்கள் இல்லை என்ற காரணமா என்பதை தெரிவிக்க விரும்புகிறேன்."

DEPUTY SPEAKER :—" I do not understand what the hon. Member has said. Anyway, it is not a point of order. Hon. Member Sri V. R. Nagarajan may now continue his speech."

* **SRI V. R. NAGARAJAN** :—" Sir, this measure is long overdue, as the original Act was passed as far back as 1870. It has already been pointed out in the proposed Bill itself that the present Court Fees Act is 80 years old. From time to time, in the actual working of the Act in courts right from the lowest civil court, viz., the District Munsif's Court to the highest Court, viz., the High Court, various difficulties, anomalies and doubts have been pointed out in the various judgments regarding the court-fees and the valuation of suits. This is a pure and simple fiscal measure. The Court Fees Act is one designed to fetch sufficient revenue to the Government from the disputes arising among the litigant public. The object of levying court-fees is to see that enough and adequate remuneration is received by the Government from the litigant public for the trouble, time, etc., that they spend, and for the application of the Judges to the cases that come before them for their disposal. Even though it is a fiscal measure which may be considered as a purely revenue-fetching measure, I am sure it is not intended that the Government should in any way profit out of it. The motive is pure and simple. It is a limited taxation measure brought forward with a view to getting just the revenue that is necessary commensurate with the nature of the case and also the time involved in considering and disposing it.

" On reading the various provisions contained in the Court Fees Act and the Suits Valuation Act, we have not been able to see whether there is any consistency in regard to several matters. Take for instance, partition suits. Hitherto it has been the practice to value the partition suit on the value of the share which is claimed by the plaintiff in his plaint. Suppose there is a Hindu Joint Family consisting of several co-parceners, say four co-parceners. If one of them goes to a court claiming his share, viz.,

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one-fourth share of the movable and immovable properties, according to the Bill, he will have to pay court-fees on the entire value of the property. This will cause considerable hardship to the public.

“ Sir, it will be too early now to say whether we should support the various provisions contained in the Bill or oppose some of them and all that. It is being referred to a Select Committee and it will be the work of the Select Committee to go through the wording of every clause of the Bill very carefully and to give their opinion. I hope the Bill with the opinion of the Select Committee will again come before this House and we will have another opportunity to have a further discussion on the opinion expressed by the Select Committee. I also hope there will be a full-dress debate. I am also in the Select Committee and I am thankful to the Government for giving me a place in it. Let the Select Committee consider the various provisions and give its opinion. For the present, I wholeheartedly welcome this measure which has been brought forward by the Government. On reading the various clauses contained in the Bill which seeks to amend and consolidate the law relating to Court-fees and valuation of suits, we find that the Government must have taken considerable pains to draft the Bill which contains provisions of far-reaching importance. As such, this House should have to go through those provisions very carefully after the Select Committee submits its report. With these words I welcome the Bill and commend the motion moved by the Hon. Minister for Law to the acceptance of the House.”

SRI C. KANDASAMY :—“ கனம் உதவி சபாநாயகர் அவர்களே, அநேக வகைகளில் மெம்பர்கள் பேசியிருக்கிறார்கள். எனது நண்பர் நாராயண நம்பியார் சட்டத்தில் அதிக பரிச்சயமில்லாது, என்னைப் போன்று சொந்த அபிப்பிராயத்தை தெரிவித்துப் பேசினார்கள். அவரவர்களுடைய சொந்தக் கருத்துக்களை இந்தச் சபை முன்பு தெரிவிக்க அனைவரும் கட்டமைப்பட்டிருக்கிறோம். இந்தச் சட்டத்தை இப்போது கொண்டு வந்திருப்பதன் காரணம் 1870-வருஷத்தில் இயற்றப்பட்ட கோர்ட்டுஸ் (Court Fees) சட்டத்திலும், 1887-ல் இயற்றப்பட்ட சூட் வாலியூவேஷன் (Suit Valuation) சட்டத்தையும் கடந்த 80 வருஷகாலத்திற்குப் பிறகு இன்று நிலைமைகளில் பல மாறுதல்கள் ஏற்பட்டிருப்பதைத் தகுந்தபடி திருத்தியமைத்து சட்டமாக்குவதற்காகக் கொண்டு வரப்பட்டிருக்கிறது. பொதுவாக இந்தச் சட்டத்தை இச்சபையில் கொண்டுவரப்பட்டதன் பிரதான அம்சம் சட்டத்தை மேல்வாரியாக திருத்தியமைப்பதற்காகவே. இப்படி சூழ்நிலையிலே மாறுதல் ஏற்பட்டதிலிருந்து இன்றைய சர்க்காரிடையே எந்த அளவுக்கு சூழ்நிலையிலே மாறுதல் ஏற்பட்டிருக்கிறது என்பதின் அடிப்படை உண்மை நன்கு புலப்படுகின்றது. அந்த அடிப்படையிலே சட்டங்களை மாற்றி அமைக்க வேண்டுமே தவிர, 1880-ம் வருஷத்திய சட்டத்தையும், 1870-ம் வருஷத்திய சட்டத்தையும் அடிப்படையாகக் கொண்டு, இன்றைய தினம் மேல்வாரியாக சட்டத்தை திருத்தியமைப்பது என்பது பிரயோஜனமில்லை. இந்த நோக்கத்தோடு இதைத் திருத்தி அமைக்கும் வகையில், 80 வருஷ அடிப்படையில் எந்த விதத்தில் Material Condition-ல் மாறுதல் அடைந்து வந்திருக்கிறது என்பது எனக்குத் தெரியவில்லை. இதைத்தான் சபையின் கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். கோர்ட்டுக்குப் போகவேண்டுமென்றாலே கிராமத்திலுள்ள ஏழை மக்களுக்கு, ஏழை விவசாயிகளுக்கு பெரிய பயம். சொத்து பிரித்துக் கொள்ளும் வழக்கிலே கோர்ட்டுக்குப் போனால் கூட இன்றைய தினம் குடியே முழுமூலம் போய்விடுமென்று பயப்படக்கூடிய அனுபவம் கிராம மக்களுக்கு ஏற்பட்டிருக்கிறது என்பதை முதலில் கூறிக்கொள்ள ஆசைப்படுகிறேன்.

11
a.m.

[Sri C. Kandasamy] [17th May 1954]

அங்கத்தினர் ராகவ முதலியார் அவர்கள் சொன்னதுபோல, இன்றைய தினம் கோர்ட்டில் நியாயம் வழங்குவதற்குப் பதில், நியாயம் விற்கக்கூடிய நிலைமைக்கு மாறிக்கொண்டு வருகிறது என்பதையும் குறிப்பிட விரும்புகிறேன். இந்த நிலைமையில் ஏழை மக்களுக்கு எங்கே நியாயம் கிடைக்கப் போகிறது? ஏழை மக்களுக்கு இன்றைய தினம் கோர்ட் சம்பந்தமான சட்டங்கள் கோர்ட் பீஸ் அல்லது சூட் வால்யூவேஷன் சட்டம் குறைந்து இருந்தால் அது மிகவும் நன்றாக இருக்கும்.

“தவிர கிரிமினல் கேஸாக இருந்தாலும் அதிகச் செலவுகள் செய்ய வேண்டியிருக்கிறது. காப்பிகள் வாங்குதல் போன்ற பல வீண் செலவுகள் செய்யவேண்டியிருக்கிறது. இவைகளை கணக்கில் எடுத்துக்கொண்டு, ஏழை ஜனங்களுக்கு இருக்கக்கூடிய கஷ்டங்களையும், அந்த அளவுக்கு இருக்கக் கூடிய, சூழ் நிலையையும் கீழ்த்தட்டோடு பார்த்து, மக்களுக்கு குறைந்த செலவு ஆவதற்கான நியாயமாவது இந்த திருத்தியமைக்கப்பட்ட சட்டத்திலே இருக்கிறதா என்று பார்த்தால், அதுவும் இல்லை என்பதே என் அபிப்பிராயம். ஒரு சின்ன விஷயம் சொல்லுகிறேன். புருஷனால் விலக்கப் பட்ட ஒருவன் ஜீவனம்சம் வாங்குவதிலோ, சாதாரணமாக பெரிய பணக் காரர்களிடத்திலே சம்பள பாக்கிக்காக ஏழைகள் கேட்கக்கூடிய நிலைமையிலோ அவர்களுக்கு இச்சட்டம் சாதகமானதாக இல்லை. 100-க்கு இவ்வளவு என்று சொத்தின் மதிப்பு கணக்கிடப்படுகிறது. ஒரு ஜீவனம்சம் வழக்கில், தீர்ப்புப்படி மாதம் இவ்வளவு கொடுக்கப்பட வேண்டுமென்றிருந்தாலும், அதற்கும் சொத்து மதிப்பிட்டு 100-க்கு ஏழரை ரூபாய் கொடுத்த வேண்டுமென்ற நிலை ஏற்படுகிறது. அதன்படி 12 மாதங்களுக்கு கொடுக்கப்பட்ட தொகையில் ஒன்றிரண்டு மாதத் தொகையை இதற்கு செலவழித்து தான் மீதியை எடுத்துக் கொள்ளப்படுகிறது. ஆகையினாலே மொத்தத்திலே இதைக் குறைக்க வேண்டுமென்று சொல்லுகிறேன். ஏழை மக்களின் நிலைமையை கீழ்த்தட்டோடு பார்த்த, குறைந்த செலவிலே ஒரு சட்டம் அவர்களுக்காக கொண்டு வரப்படுமானால் மிகவும் நன்றாக இருக்கும். இதை வக்கீல் அங்கத்தினர்கள் எடுத்துக் கொண்டிருந்தால் நன்றாக இருக்குமென்று நினைக்கிறேன். இதை மாதிரி சம்பள பாக்கி. ஒரு பெரிய பணக் காரர்களிடத்திலோ அல்லது பெரிய நிலப் பிரபுக்களிடத்திலோ சம்பள பாக்கியை வாங்குவதற்கு கோர்ட்டுக்கு போக வேண்டுமானால், கோர்ட் பீஸ் குறைந்த செலவில் ஏற்படவேண்டும்.

“அடுத்தபடியாக, மார்க்கெட் வேல்யூ (Market value) வில் இந்த அரசாங்கம் மோசமான நிலையில் இருக்கிறது என்பதை சொல்ல விரும்புகிறேன். ஏனென்றால் சாதாரணமாக இந்த மார்க்கெட் வால்யூவில் பலவித தில்லு முல்லுகள் ஏற்பட்டு, அதனால் பலர் பாதிக்கும்படியான நிலைமை ஏற்படுகிறது. மார்க்கெட் வால்யூ அவ்வப்போது உயரவும், குறைவதுமான பல மாறுதல் ஏற்படுவதால் காலசட்டத்திலே இதனால் உயர்வதற்கும், பலர் பாதிக்கப் படவும் நேரிடுகிறது. இன்னும் சிலர் இதனால் கோர்ட்டுக்கு போகும்படியும் நேரிடுகிறது. இதைவிட ஒரு திட்டவட்டமான, யாரும் பாதிக்கக்கூடாத வகையிலே நியாயமான மார்க்கெட் வால்யூ போட்டுவிட்டால் மிகவும் நன்றாக இருக்கும்.

“கிரிமினல் கேஸ்களில் சாதாரணமாக அரசியல் வக்கீல்கள், ஏழைகள் ஒன்றும் செய்ய முடியாத நிலையில் இருக்கும்போது உண்மையை நிரூபிக்க அவர்கள் பிரதிநிதிகளாக அனுப்பப்படுகிறார்கள். இது போல போலீஸ் தகராறுகளுக்கும் அவர்களை அனுப்பிவைக்க வேண்டும். கொலை வழக்குகளை நிரூபிக்க அரசாங்கமே செலவழித்து வக்கீல் வைத்துக்கொண்டு கேஸ்கள் நடத்தக்கூடியதை ஏற்கனவே நான் ஒப்புக் கொண்டிருக்கிறேன். இதைப் போலவே போலீஸ்காரர்கள் பல விஷயங்களில் தங்களுக்கு இருக்கக் கூடிய மாச்சரியத்தால், கேஸ்கள் வேண்டுமென்பதற்காக ஏழைகளை கொண்டு வந்து நிறுத்தி, அவர்களுக்கு சொத்து இல்லையென்ற காரணத்தால் கேஸ்கள் நடத்த முடியாமல், உண்மையை நிரூபிக்க முடியாமல் நிரபராதிகளாக இருப்பவர்களுக்கு அது சம்பந்தமான செலவை ஏற்று அவர்களுக்கு பாதுகாப்பு ஏற்படுத்த வேண்டுமென்று கூறிக்கொண்டு

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இந்த சட்டமானது வக்கீல்கள் சம்பந்தப்பட்ட சட்டம் என்பதை தெரிவித்துக் கொள்ளுகிறேன். இந்த சட்டத்தைப் புரிந்து கொள்ளக்கூடிய நிலைமையில் ஏழைகளின் செலவைக் குறைக்கக்கூடிய முறையில் இதை ஒரு செலக்ட் கமிட்டிக்கு வைத்து, பிரகடனப்படுத்தி, பொது ஜனங்கள் அனைவருக்கும் நன்மை ஏற்படக்கூடிய முறையில் திருத்தியமைக்கப்பட வேண்டுமென்று தெரிவித்துக் கொண்டு என்னுடைய உரையை முடித்துக் கொள்ளுகிறேன்.”

* SRI S. PANCHAKSHARAM :—“ Mr. Deputy Speaker. 11-05
Sir, I welcome this measure. If any reform was long overdue, it a.m.
was this Act and it had been giving rise endlessly to lot of confusion, not only to the litigant public, but also to the presiding Judges who were called upon to preside over tough questions of Court Fee Law. There are as many decisions as there have been Judges. There has been no agreement on any one position, with reference to Court-fee payable on suits relating to land. This is the first comprehensive attempt on the part of the Government, after several attempts have been made, to bring about uniformity by bringing this comprehensive piece of legislation, on a subject which has been giving rise to so much of controversy.

“ Sir, an attempt was made some 10 or 15 years ago, when a Committee or a person was appointed to go into the whole matter and to submit proposals for reforming this Act. Mr. Satyamurthy who was the Registrar of High Court in those days made an exhaustive report on the subject with various suggestions and various changes in the existing provisions of the Law. But somehow, the whole report was shelved and now the Government have come forward with this piece of legislation. The first thought that arises in me after going through the provisions of the Bill superficially is that a major portion of the recommendations made by Mr. Satyamurthy, even though not accepted but shelved, has not been included in the Bill by the present Government. One such recommendation made by him was this : In bringing about uniformity in the matter of court-fees, there will be some hardship caused in the matter of litigation so far as the litigants are concerned and also to the members of the Bar practising in the lowest courts; in order to obviate that difficulty, when bringing about uniformity between values of court-fees and also jurisdiction values, he sought to enhance the jurisdiction value of the subordinate courts to the tune of Rs. 5,000. That recommendation is now lost sight of. The result of this will be that hereafter no title suits relating to lands or houses will be filed in good numbers before the Munsif's Courts as has been the case hitherto. The price of house property as also land property has gone up considerably now. Under ordinary circumstances, in previous days, a man was able to file a suit for recovering possession of lands to the extent of 30 acres valuing the suit on the notional value under Section 7. Such a person has definitely to go now to the Sub-Court for litigation. Considering the present values, the Munsif's Courts will not have authority for any piece of land over one acre in extent. For, in these days when landed property is valued anywhere between Rs. 3,000 and Rs. 5,000 per acre in particular areas of course, there are barren areas, but in several areas

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in the State, one acre of land costs about Rs. 3,000 or Rs. 5,000. In such cases, the poor man who had to go before a Munsif's Court has necessarily to seek remedy from the higher Courts for relief. Such anomalies are there in trying to reform the present provisions of the Court Fees Act. There should not be an attempt made to take away a large portion of the jurisdiction vested in the Munsif's Court and vest it in a superior tribunal. Of course, there are good and bad features in a reform.

11-10 a.m. “ In trying to consolidate the two Acts, the most fundamental thing that the Government should remember is that this is principally a fiscal enactment. The provisions of this enactment should not give room for any doubt at all. This Bill is not free from this defect. There should not be any attempt at evasion or possibility of evasion. Even though an attempt to do away with evasion is made in the Bill, yet there is large scope for evasion. There has been an attempt at realising court-fee on the substance of the plaint and not on the clever language in which it is worded. Even though this attempt is sought to be put an end to, still there is scope for this habit to continue.

“ Sir, there are certain broad changes made in the law and these changes are welcome. One thing is that the difference between the small causes valuation of suits and the original suit valuations is sought to be done away with. This has given rise to a lot of uneasiness in the minds of the litigants and members of the Bar. Then *ad valorem* fee is made payable at a uniform rate. This is well worth the praise. It is also good that Section 7 of the Court Fees Act is sought to be completely overhauled. There are three sets of valuation which is recognised by the Court Fees Act, one real, another the notional value and the third the statutory valuation provided for in the Court Fees Act. For all these differences are not sought to be done away with. Then, Sir, there is a provision relating to setting aside of documents for which the suitor has to pay fees at the face value of the document. The Government have to think hundred times before they have such a provision. In India sham and nominal transactions are a common feature. Benami transactions are the order of the day. There are people—a brother or co-parcener or any other rival claimant to a property or a creditor—who prepare sham or nominal documents with a view to deceiving or defrauding their claimants. Such documents are brought into existence very frequently and every Court without exception in this State is called upon to decide on the nature of such documents. In doing so, the parties unnecessarily or unwarrantedly push up the value of the properties and execute documents. If the property is really worth Rs. 1,000 the documents show their value as Rs. 5,000 or Rs. 10,000. In such cases, if the parties want to have these documents or decrees set aside, the Court-fee on such sham and nominal transactions should not be based on the face value of the documents. It will work a great hardship on such persons if they are asked to pay court-fee on this basis. The very purpose of the Court Fees Act,

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will be defeated if they are penalised for what they have done unwittingly. Under the present Act, it can be set aside easily. In such cases, the court-fee should be fixed and not the *ad valorem* fee.

“ There is another feature which appears to be objectionable. The enquiry which the courts are asked to get into over the question of jurisdiction is really a long-drawn-out one. I have known cases where on the preliminary point of court-fee, parties have been called upon to adduce evidence. Parties file hundreds of documents on both sides and the court has been called upon to decide on the value of the property and the courts with a view to seeing that these suits are sent up to the highest tribunal are always inclined to put a higher value on the property. In many cases, the whole thing has taken nearly ten days while it could have been done in an hour. I have seen this myself in two or three cases. It is a long-drawn-out process. Therefore, if the courts are asked to go into the whole point relating to value of the property and an elaborate process is laid down in the Bill for this purpose, they will be doing no other thing than going into the question of jurisdiction alone. No litigant and no defendant against whom a suit has been filed will keep quiet and if the question of jurisdiction is left to be decided by the court itself then a good length of time in a year will be wasted on settling the preliminary issue. The process should be simplified. My suggestion will be that the District Collector should be called upon to fix the value of lands and properties in particular areas. He will fix the values with reference to values of properties situate in similar areas in the district.

“ Sir, there are certain decisions with reference to court-fee payable in the Appellate Court which have been lost sight of in this Bill. As a matter of fact, there are several cases where people have easily evaded payment of fees. Even the small fee of Rs. 15 in a Munsif's Court and Rs. 100 in a Sub-Court is not paid at times. In several cases involving thousands of rupees, people evade the fee by paying a small sum only as court-fee. I hope that the Select Committee which will go into this Bill will go into the mortgage law thoroughly with reference to subsequent alienees, with reference to parties who want exoneration of particular items and those who want inclusion of particular items in the decrees, etc. These things have got to be looked into and rectified. I request the Select Committee to scrutinise the provisions of the Bill very carefully after going into the mass of conflicting decisions on the subject, particularly the decisions of the High Court and set right the law once and for all.”

* THE HON. SRI C. SUBRAMANIAM :—“ Mr. Deputy Speaker, Sir, I am grateful to the hon. Members who have made very valuable suggestions for removing some of the so-called anomalies they have found even in the draft Bill. But I may assure them that every clause in the Bill has been thoroughly examined

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a.m.

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from stage to stage by very experienced officers and Judges. I submit that the motion for circulating this Bill for eliciting public opinion is quite unnecessary, because even during the drafting stage, all important persons who are interested in the Court Fees Act were consulted, even though it cannot be said that public opinion as such was elicited. Not only the High Court Judges, but also District Judges and important and leading lawyers were consulted. It was only after such consultation that the various provisions of the Bill have been formulated. It was true that the late Satyamurthi of the Madras High Court was scrutinising the provisions of the Bill. After that, another Special Officer was appointed and the Bill was further scrutinised and finalised. The Board of Revenue, the High Court and the Advocate-General had been consulted in the matter. I submit that circulation for eliciting public opinion will only delay the passage of the Bill. It will be open to the Select Committee to invite memoranda on the subject from various bodies. It was said that the intention of the Government was to rush through the Bill even during the Select Committee stage. I may assure hon. Members that that is not the intention of the Government. If there is to be an immediate meeting of the Select Committee, it is only for the purposes of finalising the procedure to be adopted in the matter. I give the assurance to the hon. Members that the Government will not rush through this measure during the Select Committee stage. Whatever is necessary will be done. If it is necessary to elicit the opinion of Bar Association, we can do it and it can be done very expeditiously. After all, lawyers have been in possession of the provisions of this Bill for a long time and it should be possible for them to express opinion without any delay. Whatever we want can be done in the Select Committee stage and it is not necessary to circulate this Bill for the purpose of eliciting public opinion.

"As for the criticism against the increase of the Court-fees when the value of a suit exceeds Rs. 5,000, I think it is a justifiable increase. After all, the richer people should pay more. That is the accepted principle now. As the value of a suit goes up, why should the court-fee be reduced as at present? While the court-fee payable for suits of larger value is only 0.6 per cent, a litigant whose property is worth only 1,000 or 2,000 or 3,000 rupees is asked to pay $11\frac{1}{4}$ per cent. Therefore I do not think there can be any objection to the increase in the court-fee when the value of the suit exceeds Rs. 5,000. While for the higher value suits, we have increased the court-fee, for the lower value suits we have reduced it from $11\frac{1}{4}$ per cent to $7\frac{1}{2}$ per cent.

"With reference to the valuation of land, certain objections have been raised. For certain classes of immovable property, the Court Fees Act lays down market value as the basis for computation of court-fees. But in the case of land, the Act lays down that the court-fee shall be fixed at ten times the annual land

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revenue payable for that land. This is an anomaly that has been pointed out. It is better to apply the market value to lands also, as that criterion applies to other immovable properties.

“ I am sure, the House will accept the reasonableness of the suggestions made in this Bill. The whole matter will be considered by the Select Committee and I am sure we will arrive at just and correct decisions. Therefore it is not necessary for me to answer at this stage the other criticisms that have been made on the floor of this House with regard to this Bill. I am sure all these points will be taken up in the Select Committee. I shall try to meet those points and see if any changes are necessary in the propositions of the Bill. In view of the fact that it will be open to the Select Committee to invite opinions from various bodies, it is unnecessary to circulate this Bill for eliciting public opinion as such. Circulation will only delay the coming into operation of this Bill at an early date. Therefore I am sure Mr. Narayana Kurup will withdraw his amendment and accept the motion for referring the Bill to a Select Committee.”

* SRI M. NARAYANA KURUP :—“ Sir, while I welcome the assurance given by the Hon. Minister who introduced the Bill that full opportunity will be given in the Select Committee for the Bar Associations and the public to ventilate their views, I still remain unconvinced that it is not necessary to circulate this Bill for public opinion. The difference is this. In the Hon. Minister's opinion, the public have been consulted without their knowing it. I want to make it sure that we are doing things with the full knowledge, co-operation and consent of the public. When he says that legal experts like the High Court Judges, District Judges and lawyers have been consulted, I believe him fully, because a measure of this sort could not have been brought without expert advice from such persons. My complaint is that we have done a thing, but we have not done it properly.”

DEPUTY SPEAKER :—“ I want to know whether the hon. Member is withdrawing his amendment.”

SRI M. NARAYANA KURUP :—“ I am replying.”

DEPUTY SPEAKER :—“ The hon. Member has no right of reply.”

SRI M. NARAYANA KURUP :—“ As the mover of the amendment, I thought I had a right of reply and that was why I was replying. I am not withdrawing my amendment.”

DEPUTY SPEAKER :—“ The question is—

‘ That the Madras Court-fees and Suits Valuation Bill, 1954, be circulated for eliciting public opinion.’ ”

The motion was put and lost.

[17th May 1954]

DEPUTY SPEAKER :—“ The question is—

‘ That the Madras Court-fees and Suits Valuation Bill, 1954, be referred to a Select Committee consisting of the following Members :—

The Hon. Sri M. A. Manickavelu Naicker.

Sri K. P. Kuttikrishnan Nair.

„ K. Parthasarathy.

„ K. Venkataramana Gowda.

„ N. Gopala Menon.

„ P. Selvaraj.

„ B. Vaikunta Baliga.

„ V. R. Nagarajan.

„ Kunhi Mohamed Shafee.

„ M. Narayana Kurup.

„ S. Ramalingam.

„ P. K. Gopalakrishnan.

„ P. Rangaswami Reddiar.

„ E. L. Raghava Mudaliar.

The Hon. Sri C. Subramaniam.’ ”

The motion was put and carried.

DEPUTY SPEAKER :—“ Mr. Speaker nominates the Hon. Sri C. Subramaniam, Finance Minister, as the Chairman of the Select Committee.

“ The House will now adjourn and meet again at 8 a.m. to-morrow (18th May 1954).”

The House then adjourned.